

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2018

C O R A M

THE HON'BLE Mr.JUSTICE K. RAVICHANDRABAABU

Contempt Petition No.1370 of 2018

in

W.P.No.839 of 2018

N.Gopikrishnan

... Petitioner

Vs

1.Mrs.Jaya, IAS,

The Commissioner,
Hindu Religious and Endowment Department,
No.119, Uthamar Ganthi Salai,
Nungambakkam High Road,
Chennai 600 034.

2.Ms.Jothi Lakshmi,

The Joint Commissioner,
Sri Parthasarathy Swamy Thirukoil,
Triplicane, Chennai 600 005.

3.Ms.Jothi Lakshmi,

The Assistant Commissioner,
Executive Officer/Fit Person,
Sri Parthasarathy Swamy Thirukoil,
Triplicane, Chennai 600 005.

... Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents for violating the orders dated 29.01.2018 passed by this Court in W.P.No.839 of 2018.

For Petitioner .. Mr.T.Velumani

For Respondent .. Mr.M.Maharaja for R1

Special Government Pleader (HR&CE)

Mr.AK.Sriram for R2 and R3

ORDER

This contempt petition is filed complaining that the order passed by this Court both by way of interim order dated 12.01.2018 as well as the final order dated 29.01.2018 made in W.P.No.839 of 2018 has been disobeyed.

2.Mr.M.Maharaja, learned Special Government Pleader takes notice for the first respondent and Mr.AK.Sriram, learned counsel takes notice for the second and third respondents.

3.Mr.T.Velumani, learned counsel appearing for the petitioner contended that when this Court has protected the interest of the petitioner till he files an appeal before the Government and when the petitioner has also filed an appeal before the Government, the second and third respondents, with the help of police, demolished the subject matter premises on 20th February 2018. Therefore, it is contended that the respondents have committed contempt.

4.On the other hand, Mr.AK.Sriram, learned counsel appearing for the second and third respondents invited this Court's attention to the order passed in the writ petition on 29.01.2018 and submitted that even the interim

protection given to the petitioner was in force only till 14th February 2018 whereas the demolition has taken place, admittedly on 20th February 2018, on which day, no order preventing the respondents from taking action against the petitioner was in force. Therefore, he contended that even on a prima facie view, the petitioner has not made out a case for entertaining the contempt proceedings against the respondents.

5. Perusal of the order passed by this Court in the main writ petition on 29.01.2018 in W.P.No.839 of 2018 would show that this Court protected the interest of the petitioner by directing the respondents not to take any coercive steps against the petitioner only for a period of two weeks from 29.01.2018. Therefore, as rightly stated by the learned counsel for the second and third respondents, such interim protection was in force possibly till 14th February 2018. It is not the case of the petitioner that the Government has granted some interim relief against the petitioner pending appeal. Even otherwise, as the interim protection granted by this Court to the petitioner admittedly expired on 14.02.2018, the action taken by the respondents on 20.02.2018, in the absence of any order preventing such action, cannot be considered as an act of contempt, as complained in this contempt petition.

case for contempt. Accordingly, the contempt petition is dismissed.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

vri

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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sd/01/11/2018

To

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Triplicane, Chennai 600 005.

one cc to M/s.T.Velumani, Advocate, Sr.no.12025/18

one cc to Govt. Pleader Sr.NO.11950/18