

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.SUNDAR

CONTEMPT PETITION No.1576 of 2017

M/s. Annamalaiyan Filling Station,
Rep. by its Proprietor,
Chennai - Bangalore National Highway (NH-4),
Kondapuram, Kaveripakkam Post,
Vellore District.

... Petitioner

vs.

G.Bhrahmam,
Deputy General Manager (OPS)
Tamil Nadu State Office,
Indian Oil Bhayan,
No.139, Mahatma Gandhi Road,
Nungambakkam,
Chennai - 600 034.

... Respondent

Contempt Petition filed under Section 11 of the
Contempt of Courts Act, 1960 praying to punish the respondent
for willfully disobeying the order of this Court dated
21.02.2017 passed in W.P.No.40599 of 2015.

For Petitioner : Mr.Kandhan Duraisami

For Respondent : Mr.P.S.Sivasubramaniam

ORDER

This petition is filed seeking to punish the
respondent for disobedience of an order dated 21.02.2017
passed in W.P.No.40599 of 2015.

2. Mr.Kandhan Duraisami learned counsel on record for the

Contemnor is before me.

3. A simple and innocuous order was passed on 21.02.2017 directing the sole respondent in this contempt petition (first respondent in the writ petition) to dispose of the representation of the writ petitioner dated 14.12.2015. This was vide my order dated 21.02.2017 and the relevant paragraph is paragraph 6, which reads as follows:

"6. Considering the simple and innocuous nature of the prayer in the main writ petition, there shall be a direction to the 1st respondent to dispose of the representation of the writ petitioner dated 14.12.2015, within a period of four weeks from the date of receipt of a copy of this order. The disposal of the representation shall be duly communicated to the writ petitioner within this four weeks time frame."

4. It is submitted by learned counsel for the contempt petitioner Mr. Kandhan Duraisami, that a certified copy of the aforesaid order of this court was obtained on 25.02.2017 and sent to the respondent in this contempt petition. It is also his say that the respondent in this contempt petition has duly received the order of this court on 27.02.2017. Postal acknowledgement card in this regard has also been placed before me. Therefore, even if 27.02.2017 is taken as the reckoning date, the aforesaid representation dated 14.12.2015 ought to have been disposed of on or before 26.03.2017. However, that was not to be, necessitating the filing of this contempt petition by the writ petitioner on 25.07.2017.

5. Today Mr.P.S.Sivasubramaniam, learned counsel for sole respondent in this contempt petition is before me and he submits that the aforesaid representation of the writ petitioner dated 14.12.2015 has now been disposed of on 07.02.2018. To be noted, I have not issued rule of contempt and learned counsel for the respondent voluntarily appeared before me when the contempt petition was listed today.

6. As alluded to supra, the representation ought to have been disposed of on or before 26.03.2017, whereas, it has been disposed of only on 07.02.2018, more than 10 months later.

7. This is clearly a recalcitrant attitude on the part of the sole respondent before me. It is imperative that such a recalcitrant attitude particularly on the part of officers of Public Sector undertakings is very difficult to countenance. However, Mr.P.S.Sivasubramaniam, learned counsel for the sole respondent states that his client expresses regret and unconditional apology. Such regret of the respondent should have been expressed by way of Sworn affidavit, sworn to by the respondent. However, as the learned counsel has voluntarily appeared before me, I am accepting the unconditional apology without insisting on a Sworn affidavit from the respondent.

8. Recording the submission albeit with displeasure,
this contempt petition is closed.

SD/-
ASSISTANT REGISTRAR (COMM.CASES)

//Certified to be true copy//

Dated at Madras this the day of 2018.

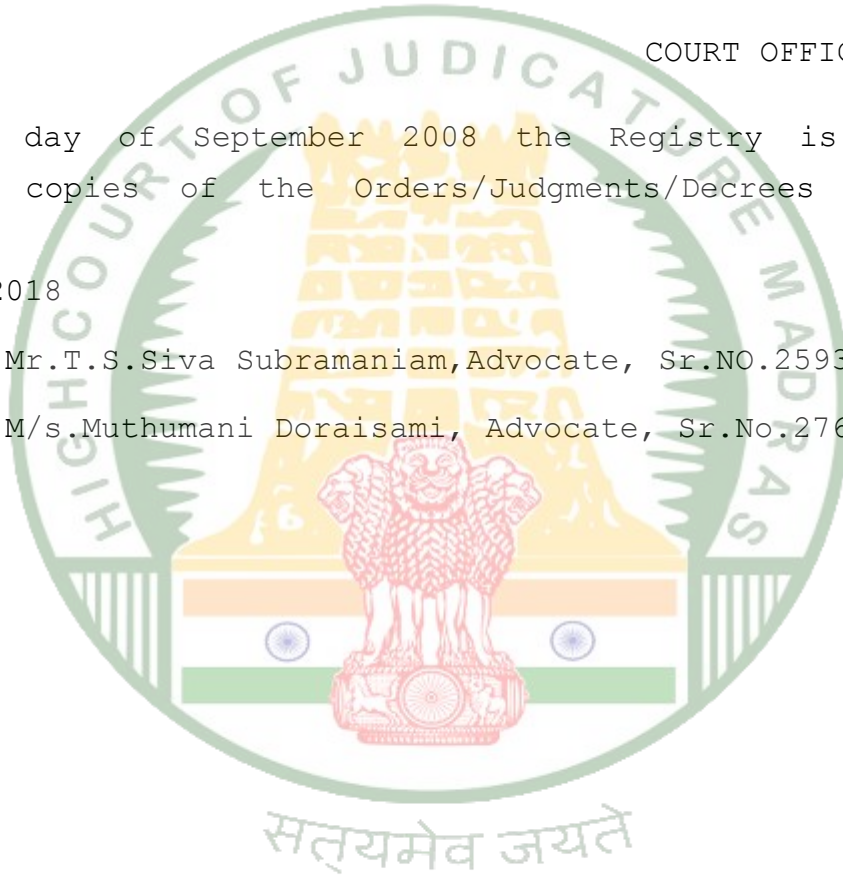
COURT OFFICER(O.S.)

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CO/06/04/2018

one cc to Mr.T.S.Siva Subramaniam,Advocate, Sr.NO.2593

One cc to M/s.Muthumani Doraisami, Advocate, Sr.No.2764



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