

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT JUSTICE T.RAJANI

CONTEMPT CASE NO.2251 OF 2017

ORDER: {Per the Hon'ble Sri Justice Ramesh Ranganathan}

This Contempt case is filed alleging wilful and deliberate violation of the order passed in W.A.No.1036 of 2017 dated 27.07.2017 whereby this Court, while setting aside the order of the learned Single Judge, had suspended the order of suspension passed by the Joint Collector in her proceedings dated 22.06.2017, pending final orders being passed by her, after giving all the parties to the proceedings an opportunity of being heard.

The petitioner complains of wilful and deliberate violation of the order of this Court as, despite suspending the order of suspension passed by the Joint Collector, the order passed by this Court was not given effect to; and the petitioner was not permitted to operate the petroleum outlet till final orders were passed by the Joint Collector.

It is brought to our notice that the Joint Collector had, in compliance with the order passed by this Court, passed a final order cancelling the license issued to the petitioner. While failure to permit the petitioner to operate the petroleum outlet, for a period of three months from the date of this order till their petroleum license was cancelled by the Joint Collector, can possibly be construed to be in violation of the order passed by this Court, it is not as if the petitioner can now be permitted to run the petroleum outlet since the order of cancellation, passed by the Joint Collector, continues to remain in force.

Sri C.Raghu, learned counsel for the petitioner, would submit that, against the order of cancellation, the petitioner has availed their appellate remedy.

The jurisdiction under the Contempt of Courts Act, 1971, to punish the respondent for contempt, is not to be exercised as a matter of course. While there appears to be a violation, to the extent that the petitioner was not permitted to operate the petroleum outlet for a period of three months, we are satisfied that such violation is not wilful and deliberate, and does not necessitates action being taken against the respondent under the Contempt of Courts Act, since the Joint Collector had thereafter cancelled the petitioner's license.

The Contempt Case is dismissed. Miscellaneous applications, if any, pending shall stand dismissed.


(RAMESH RANGANATHAN, J)

(T.RAJANI, J)

14th September 2018
RRB