

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.01.2019

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Contempt Petition No.2074 of 2018

B.Usharani

.. Petitioner

/versus/

Ms.K.B.Maheswari
 Chief Educational Officer,
 Dharmapuri District,
 Dharmapuri.

.. Respondent

Contempt Petition has been filed under Section 11 of Contempt of Courts Act, 1971 praying to initiate proceedings against the respondent under Section 11 of the Contempt of Courts Act, 1971 for their willful disobedience to the order passed by this Court in W.P.No.11601 of 2018, dated 03.05.2018 and punish her accordingly.

For Petitioner :Ms.R.Gobika

For Respondent :Mr.K.Karthikeyan, GA

O R D E R

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Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

2. The petitioner alleges that undertaking was given by the Government in the Writ Petition No.11601 of 2018

<https://hcservices.ecourt.gov.in/hcservices> that the fourth respondent School intends to start any

educational institution without prior permission, they will take necessary action. Despite such undertaking, after dismissal of the writ petition, the respondent has only issued a show cause notice to the private respondent but has not taken any action against him. When this Court posed a question to the learned counsel appearing for the petitioner that whether any material available with her to show that currently the private respondent is running any school without permission, the learned counsel appearing for the petitioner is unable to answer.

3. In the contempt jurisdiction, a person, who intends to take action, should come out with basic materials to *prima facie* establish that there is a positive order and the said order has been violated, despite knowledge of the order. None of the ingredient is found in this contempt petition. Hence, this Contempt Petition is dismissed. No order as to costs.

सत्यमेव जयते

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

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//Certified to be true copy//

Dated at Madras this the day of 2019.

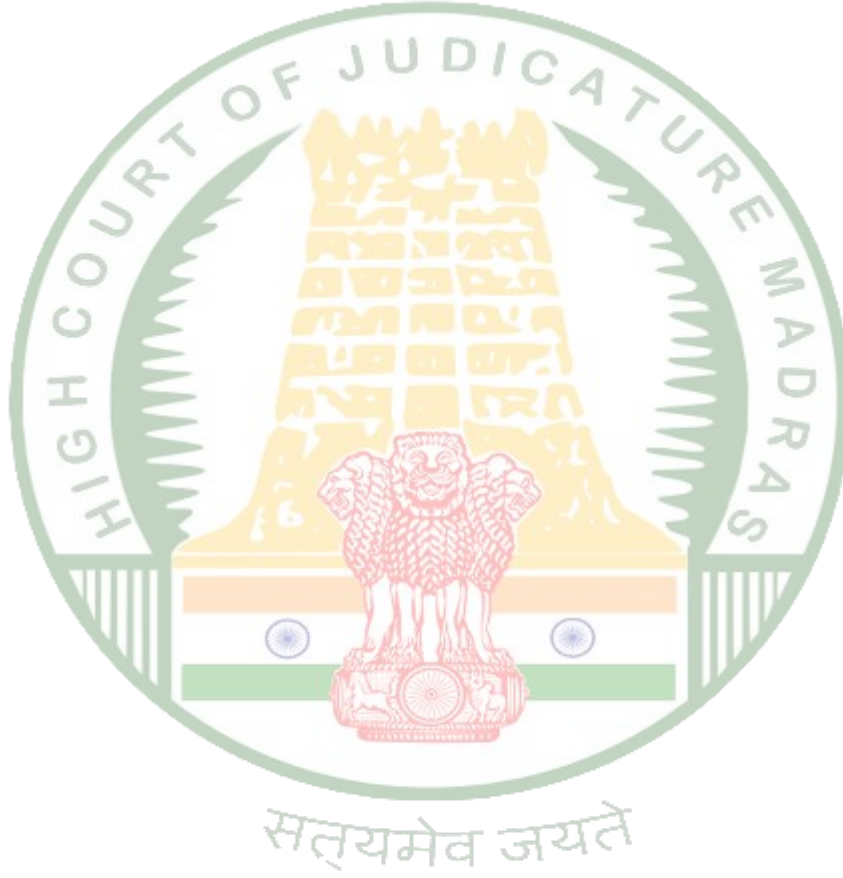
COURT OFFICER(O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this

PS/21/02/2019

To

The Chief Educational Officer,
Dharmapuri District,
Dharmapuri.



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