

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-04-2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

Contempt Petition No.744 of 2019

C.Kannaiyan,
Pallinatham Village,
Valavandhi Post,
Musiri Taluk,
Trichy District-621 211. .. Petitioner

vs

Thiru C.Samayamoorthy, I.A.S.,
Transport Commissioner,
Chepauk,
Chennai-600 005. .. Respondent

Prayer: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for his willful disobedience of the order passed by this Court in WP No.25081 of 2018 dated 19.2.2019.

For Petitioner : Mr.Ravi Shanmugam

For Respondent : Mr.A.N.Thambidurai,
Special Government Pleader.

ORDER

The present contempt petition is filed to punish the respondent for not complying with the orders passed by this Court on 19.2.2019 in WP No.25081 of 2018.

2. The learned counsel for the writ petitioner

Commissioner (Administration), Chepauk, Chennai to the learned counsel for the writ petitioner in proceedings dated 21.3.2019, which states that the High Court has not framed the time limit in its order, so as to implement the orders immediately.

3. Relying on the said reply letter, the learned counsel for the contempt petitioner states that the authorities have not taken the orders of this Court in a right spirit and protracting the issues by not implementing the orders of this Court.

4. The High Court is passing an order stating that the authorities have to comply with the directions without any further lapse of time taking into account the administrative difficulties and to follow the official procedures which may take sometime, the specific time limit has not been fixed by the High Court by considering the facts and circumstances and enabling the respondent-authority to implement the orders passed by this Court in a proper manner.

5. However, such leniency shown by the High Court can never be misinterpreted by the authorities by stating that the High Court has not framed any time limit and therefore, they are at liberty to take the time limit on their own choice. The spirit of the order is to be

understood by the competent authorities for the implementation of the High Court's orders. The spirit of the order is undoubtedly to comply with the directions without any further lapse of time, which indicates that as early as possible, the orders must be implemented.

6. However, the fact remains that the Government has already passed the orders of relaxation and certain other administrative procedures are to be followed for the purpose of issuing the final orders. Thiru P.Ramalinkam, Joint Transport Commissioner (Administration), Chepauk, Chennai-600 005, who is present before this Court, assisting the learned Special Government Pleader, made a submission that the orders of this Court dated 19.2.2019 passed in WP 25081 of 2018 will be implemented within a period of three months from today.

7. When an undertaking is given by the competent authority himself before this Court, the time sought for by him is granted and accordingly, the respondent is directed to implement the orders of this Court dated 19.2.2019 passed in WP No.25081 of 2018, within a period of three months from today, failing which the writ petitioner is at liberty to restore the contempt petition for the purpose of pursuing the application.

8. With the above directions, the contempt petition stands disposed of. However, there shall be no order as to costs.

SD/-

Assistant Registrar (Comm. Cases)

Svn

//Certified to be true copy//

Dated at Madras this the day of 2019.

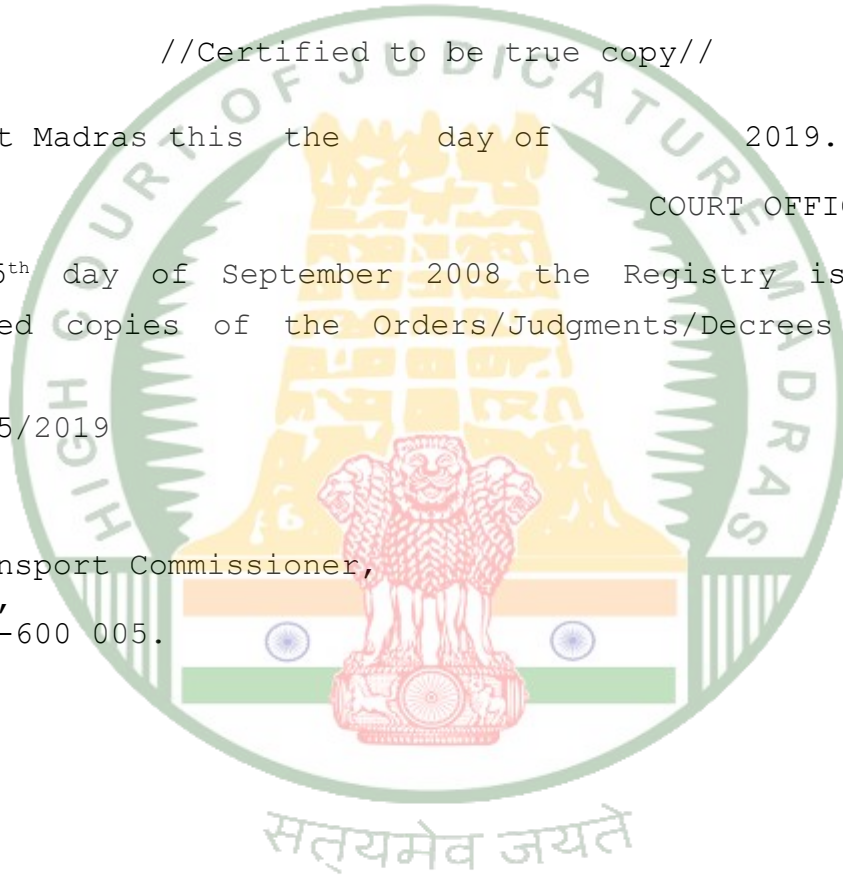
COURT OFFICER (O.S.)

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SD/17/05/2019

To

The Transport Commissioner,
Chepauk,
Chennai-600 005.



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