

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

Contempt Petition No.767 of 2019

C.Murugesan
S/o.Chinna MoguPetitioner

Vs

1.S.Malarvizhi, I.A.S.,
The District Collector,
Dharmapuri District,
Dharmapuri.

2.M.P.Sivan Arul, I.A.S.,
The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District. Respondents

Contempt Petition filed u/s.11 of the Contempt of
Courts Act praying to punish the respondents for wilfully
disobeying the order passed by this Court in W.P.No.24768
of 2018 dated 22.10.2018.

For Petitioner : Mr.G.Sankaran
For Respondents : Mr.M.Elumalai
Government Advocate

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O R D E R

[Order was delivered by **R.SUBBIAH, J**]

The present Contempt Petition has been filed by
petitioner alleging non-compliance of the order of this
Court passed in W.P.No.24768 of 2018 dated 22.10.2018.

2. Heard learned counsel for petitioner and learned

<https://hcservices.ecourts.gov.in/hcservices/>

Government Advocate for respondents.

3. This Court, under orders in W.P.No.24768 of 2018 dated 22.10.2018, set aside the impugned proceedings of the first respondent dated 28.07.2017 and remitted back the matter directing the second respondent to consider the petitioner's application seeking issuance of Community Certificate to his children afresh by considering the Genealogy (Family Tree) of petitioner and after examining the relationship between the petitioner and P.Kumar, P.Sakthivel, A.Perumal, K.Jeeva Anand, etc., who are said to be petitioner's relatives, by affording an opportunity of hearing to the petitioner and pass appropriate orders within a period of eight weeks from the date of receipt of the order. This Court has also made it clear that the said order has been passed without expressing any opinion on the merits of the claim made by petitioner. Since the order has not been complied with within the stipulated period, petitioner has filed the present Contempt Petition.

4. When the matter is taken up for consideration, learned Government Advocate submits that the order of this Court has been complied with and the respondent has passed an order rejecting the petitioner's application.

5. On the other hand, learned counsel for petitioner submits that this Court has specifically directed the second respondent to consider the petitioner's application taking into account the Genealogy (Family Tree) of the petitioner and Community Certificate issued to his

relatives. However, the second respondent, without considering the same, has rejected the petitioner's application.

6. Considering the submissions made, this Court is of the view that in compliance with the order of this Court, respondent has passed an order rejecting the petitioner's application. In such circumstance, the remedy for the petitioner is to challenge the said order in the manner known to law.

Accordingly, the Contempt Petition is closed. However, the petitioner is at liberty to challenge the order passed by the respondent, if he so desires.

SD/-

ASSISTANT REGISTRAR (COMM. CASES)

gm

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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Sm/02/07/2019

To

1. The District Collector,
Dharmapuri District,
Dharmapuri.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.