



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

L.P.A.No.2 of 2014

Martin Selvam,
S/o.Dr.Edward Thamarai Selvam,
No.19, Valliammal Street,
Kilpauk, Chennai 600 010.

... Appellant/Contemnor

PRAYER : Appeal under clause 15 of the Letters Patent against the order passed in Suo Motu Contempt Petition.No.1527 of 2014 dated 10.07.2014.

For Appellant :Mr.V.Selvaraj

J U D G M E N T

(Judgment of the Court was delivered by N.KIRUBAKARAN, J)

The appeal has been filed against the suo motu contempt proceedings initiated by the learned single Judge for seeking details of the telephonic conversation between the learned single Judge of this Court and his cousin.

2.The appellant is also one of the cousin of the learned single Judge. Since the details called for were not furnished by the BSNL, the appellant has filed Writ Petition before the Madurai Bench of this Court, making the learned single Judge as a party. When the Registry has brought to the notice of the learned single Judge about the filing of W.P.No.sr50755 of 2014, suo motu Contempt Proceedings have been initiated by the learned Single Judge against the Contemnor. Against the said contempt proceedings only the present appeal has been filed.

3.Heard Mr.V.Selvaraj, learned counsel appearing on behalf of the appellant. He would submit that the proceedings initiated by the learned single Judge is not with regard to violation or non-compliance of the order passed by this Court. Only in those case which are civil in nature coming within the definition of Section 2(b) of the Act, contempt proceedings could be entertained by learned single Judges, whereas in respect of the criminal contempt proceedings, only by a Division



Bench to be constituted by the Hon'ble Chief Justice, could entertain under Section 14 of the Contempt of Courts Act, 1971.

4. In this case, as rightly pointed out by the learned counsel appearing on behalf of the appellant, the contempt proceedings are not regarding violation of the Court order in which the contempt could be initiated, whereas in this case there is no civil contempt. The impugned Contempt proceedings are coming under the definition of Section 2(c) of the Act and the learned Single Judge has got no jurisdiction to invoke the said provision. Moreover, the learned counsel appearing on behalf of the appellant does not want to make it as an issue and seeks closure of the Appeal.

5. In view of the above position of law as well as submissions made by the appellant, the suomotu Contempt is closed. Accordingly, Letters Patent Appeal is disposed of.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

sai

To

1. The Public Prosecutor,
High Court, Madras.

2. The Commissioner of Police
Veperry, Chennai-3.

3. The Section Officer,
Criminal Section,
High Court, Madras-104.

4. The Sub Assistant Registrar,
(Original Side)
High Court, Madras.

L.P.A.No.2 of 2014

BR(CO)
CB(05/10/2021)