

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2019

CORAM

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN

AND

THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

Contempt Petition No. 1891 of 2017

V. Sankaran ..Petitioner

Vs.

K.P. Karthikeyan I.A.S.,
Sub Collector,
Tirupattur,
Vellore District.

..Respondent

Prayer: Petition under Section 11 of the Contempt of Courts Act, 1970/71 to punish the respondent for wilful disobedience of the order dated 11.04.2017 in W.P. No. 6603 of 2017.

For Petitioner :: Mr.S.Doraisamy

For Respondent :: Mrs.A. Srijeyanthi
Special Government Pleader

WEB COPY
O R D E R

(Order of the Court was made by K.K. SASIDHARAN, J.)

The petitioner filed this contempt petition alleging non-compliance of the order dated 11 April, 2017 in W.P.No. 6603 of 2017.

2. Mr.S.Doraisamy, learned counsel for the

order dated 11 April, 2017, passed an order dated 10 October, 2017 rejecting the application for issuance of community certificate. According to the learned counsel, the direction issued by this Court was flouted by the respondent and as such, the contempt petition is maintainable even after the order passed on 10 October, 2017.

3. The factual matrix indicates that the respondent, pursuant to the order dated 11 April, 2017 in W.P. No. 6603 of 2017, passed the order dated 10 October, 2017 rejecting the request for issuance of community certificate. It is a matter of record that the order dated 10 October, 2017 was challenged by the petitioner before the Writ Court in W.P. No. 21114 of 2018. The Division Bench was pleased to allow the writ petition and a positive direction was issued to the respondent to issue the community certificate to the petitioner.

4. The complaint in the present contempt petition is that the order passed by this Court dated 11 April, 2017 in W.P. No. 6603 of 2017 has not been complied with by the respondent.

5. The question of initiating contempt proceedings against the respondent would not arise in the instant case for the simple reason that the order dated 10 October, 2017

itself was set aside by the Division Bench in W.P. No. 21114 of 2018. Nothing prevented the petitioner from making a request before the Division Bench to club the writ petition along with the contempt petition for a joint disposal. The Division Bench was pleased to direct the respondent to issue the community certificate to the petitioner giving him liberty to refer the matter for verification to the State Level Scrutiny Committee if he is so advised. Such being the factual position, more particularly, the subsequent events, we do not find any reason to initiate proceedings for contempt against the respondent. We therefore close the contempt petition.

nv

SD/-
ASSISTANT REGISTRAR (COMM. CASES)

//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 format.

Sd/20/05/2019