

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE **M.M. SUNDRESH**
AND

THE HONOURABLE MS. JUSTICE **P.T.ASHA**

Contempt Petition No. 2360 of 2018

1.S.K.Veluprabakaran,
S/o.Kaveri Devar, No.8, 2nd Cross Street,
Ganapathipuram, East Tambaram, Chennai-59.

2.R.Sathyanathan
S/o.O.V.Ramamurthy,
No.283 Mullai Nagar,
West Tambaram,
Chennai 45

...Petitioners

Vs.

1. Dr.M.Rajendran, I.A.S.
The Commissioner
Tamil Nadu State Cooperative Election Commission,
No.273, Kamadhenu Supermarket,
Anna Salai,
Chennai

2. Moovarasan
The District Election Officer/
Deputy Registrar of Co-operatives,
No.826, Alagesan Nagar Main Road,
Opp Government Hospital,
Chengalpattu.

3. Ravichandran
The Returning Officer,
JJ-46, Tambaram Society Urban Bank Ltd,
West Tambaram,
Chennai - 600 045

...Respondents

Prayer: Contempt petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for disobeying the order passed in W.A.No. 7526 of 2018 dated 03.08.2018.

For Appellant : Mr.R.Mohana Raja

For Respondents : Mr.M.S.Palanisamy for R1
Mr.L.P. Shanmugha Sundaram
Special Government Pleader
for R2 and R3

ORDER

(Order of the Court was made by **M.M.SUNDRESH, J.**)

Alleging that the direction issued by the Division Bench of this Court in W.P. No. 7526 of 2018, etc. batch, dated 03.08.2018, has not been complied with, the present contempt petition has been filed.

2. It is the case of the petitioner that a complaint was given on 05.06.2018 to the first respondent/contemnor, namely, the Tamil Nadu State Cooperative Election Commission, however, before the said complaint is taken up on file and adjudicated upon by the Committee, the first respondent proceeded further with the election and declined the request of the petitioner.

3. Learned Special Government Pleader appearing for the second and third respondents/contemnors submitted that

there is no material to hold that such a complaint was given. It is further submitted that in a writ petition filed by similarly placed persons against the same society, W.P. No. 12033 of 2018 etc, batch, a learned Single Judge of this Court passed an order dated 09.05.2018 giving liberty to raise the dispute if so aggrieved by the election. Thus, learned Single Judge permitted the Commission to proceed with the election.

4. We do not find any wilful disobedience of the order passed by this Court. The petitioner was not a party to the order passed by the Division Bench. Though the order of the Division Bench is by way of general direction, in the absence of any material to hold that such a complaint has already been given and thereafter taken note of by the Committee, which is also not before us, we are not in a position to call the respondents for any wilful disobedience of the order passed. Furthermore, the election has already been declared. The third parties interest has crept in. Learned Single Judge of this Court has already passed an order under similar circumstances giving liberty to the writ petitioners therein to raise the dispute.

5. In such view of the matter, we do not find any wilful disobedience on the part of the respondents/contemnors. However, while closing this contempt petition, we are giving liberty to the petitioner

to raise the dispute afresh before the appropriate authority within a period of two weeks from the date of receipt of a copy of this order. As and when the such dispute is raised, the same would be adjudicated on merits and in accordance with law without rejecting the same on the ground of limitation.

In view of the above, this contempt petition stands closed.

ssm

SD/-
ASSISTANT REGISTRAR (COMM. CASES)

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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Sm/09/05/2019

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