

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2020

CORAM:
THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

Contempt Petition No.587 of 2013

and

Sub Application No.142 of 2013

1. The Tamilnadu Thirukoil Thozhilalargal Union,
rep by its General Secretary,
No.27, Second Street, Jayalakshmipuram,
Nungambakkam, Chennai – 600 034.
 2. C.Boopathi
 3. M.Valasubramaniyam
 4. C.Mathavaprasath
- ... Petitioners in contempt
Petition/Sub Application

P.Baskaran,
Joint Commissioner/Executive Officer,
Arulmighu Dhandayuthapani Swamy Temple,
Palani, Dindigul District. ... Respondent

Contempt Petition filed under Order 11 of the Contempt of Courts Act, 1971, praying to punish the Respondent herein for violating the order dated **18.12.2012** passed by this Court in **M.P.No.2 of 2012 in W.P.No.32500 of 2012.**

Sub Application No.142 of 2013 filed U/S 151 CPC to grant an order of injunction restraining the respondent from proceeding further to the public

notification dated 10.01.2013 without complying with the directions of this Hon'ble Court contained in M.P.No.2/12 in W.P.No.32500 of 2012 dated 18.12.2012 pending disposal of the Contempt Petition No.587/13.

For Petitioners : Ms.A.Shabana Fathima
for Mrs.G.Thilakavathi

For Respondent : Mr.Ramesh Venkatachalapathy

ORDER

This Contempt Petition is filed alleging willful disobedience of the order dated **18.12.2012** made in **M.P.No.2 of 2012 in W.P.No.32500 of 2012.**

2. Today, when the matter is taken up for hearing, it is represented by the learned counsel appearing for the Respondent that, the Respondent is not aware about the pendency of the Writ Petition and that, no notice has been received from the Court. Drawing the attention of this Court to paragraph 5 of the counter, he stated that, the Respondent had received a communication about the passing of the interim order in the Writ Petition, only on 24.12.2012.

3. Learned counsel for the Petitioners submitted that, without verifying about the passing of the interim order as could be seen from the communication dated 21.12.2012, the Respondent has proceeded to publish the Notification on 10.01.2003 in the Tamil Daily viz. 'Daily Thanthi'.

4. In reply, learned counsel appearing for the Respondent submitted that, even though the publication was made, after ascertaining the fact that, an interim order was passed in the Writ Petition, the Respondent did not proceed further with the said Notification.

5. Since the Writ Petition is pending and when, the time prescribed in the Notification has also lapsed, I find that, there is no willful and deliberate disobedience of the order of this Court with regard to appointment of persons.

6. This Court makes it very clear that, ***the Government shall direct the Officers to issue Circular to all Departments to the effect that, whenever private notice is received from the Counsel for the Petitioner, either in the Writ Petition or in the Contempt Petition, they shall ascertain***

about the truthfulness of the Notice, and thereafter proceed further. It is also made clear that, in case, there is no interim order, pendency of the Writ Petition is not a bar for the opposite party to go ahead with action.

With the above observation, **the Contempt Petition is closed.** Consequently, connected Sub Application No.142 of 2013 is closed.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)
aeb/jas
//Certified to be true copy//
Dated at Madras this the day of 2020.
COURT OFFICER(O.S.)

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SMI/05/11/2020

To

The Joint Commissioner/Executive Officer,
Arulmighu Dhandayuthapani Swamy Temple,
Palani, Dindigul District.