



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

Cont.P. (MD) No.19 of 2020

in

W.P. (MD) No.20390 of 2019

K.Maridoss

... Petitioner

/vs./

1. Sharanya Ari
The Revenue Divisional Officer cum
Sub collector,
Padmanapuram, Thuckalay,
Kanyakumari District

2.N.Sreenath
The Superintendent of Police,
Kanyakumari District at Nagercoil

3.M.Arul Parkash
The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District

... Respondents 2 to 4

PRAYER: Contempt Petition filed under Section 11 of Contempt of Courts Act, to punish the respondents herein for their wilful disobedience of the order passed by this Court in W.P.(MD) No.20390 of 2019 dated 22.11.2019.

Prayer in WP(MD)No. 20390 of2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents 1 to 5 to take action against the respondents 6 to 12 for collecting the money in contravention of the provisions of the Tamilnadu Prize Scheme (Prohibition) Act, 1979 and Tamilnadu State Lotteries (Regulations) Rules 2002 and excommunicating the petitioner and his family members in Chemparuthivilai, Kothanallur village, Kalkulam taluk, Kanyakumari district.



For Petitioner

: Mr.R.J.Karthick

For Respondents

: Mrs.S.Bharathi

Government Advocate (Crl.Side)

WEB COPY

ORDER

This Contempt Petition is filed to punish the respondents for their wilful disobedience of the order passed by this Court in W.P. (MD) No.20390 of 2019 dated 22.11.2019.

2.The third respondent / contemnor is present in person before this Court and his presence is recorded. He has filed a status report.

3.It is stated in paragraph No.5 of the status report filed by the third respondent that the copy of the final order passed in W.P. (MD) No.20390 of 2019 dated 22.11.2019 was received by him on 07.01.2020. The relevant portion of paragraph Nos.5 and 6 is extracted here under:

5.I submit that I have received the final order of this Honourable Court in W.P.(MD) No.20390 of 2019 on 07.01.2020. This Honourable Court has directed me to conduct enquiry as directed by the 1st respondent in Na.Ka.A/MC.24/2019 by issuing notice to this petitioner as well as the 6 to 12 respondents in W.P.(MD) No.20390 of 2019 enabling opportunity to the parties to furnish all documentary evidence during enquiry. The 2nd respondent is directed to monitor the said enquiry. On receipt of the said order, immediately on 10.01.2020, I have issued summons for enquiry to both parties calling upon them to appear in person before me on 11.01.2020 at 10.00 am as per the order of this Honourable Court. I have made enquiry on both parties, received statements and documents submitted by them, written statement signed by the members of the Church submitted through the Paris Priest. Hence, I submitted the status/interim report before the 1st respondent herein on 13.01.2020. Further, I submitted an application before the District Registrar, Kanyakumari District dated 11.01.2020 to clarify whether the Conventional Chit Scheme is permissible or not, offensive or not under any Acts or Rules. Further, the Assistant Director of Prosecution Kanyakumari District orally opined that the Tamilnadu Prizes Scheme (Prohibition) Act, 1979 and Tamilnadu State Lotteries (Regulations) Rules, 2002 is not applicable to the facts of this case. The Assistant Public Prosecutor issued legal opinion dated 13.02.2020, upon the request by the Sub Inspector of Police, Kotticode Police Station stating that the above said Acts and Rules are not applicable to the facts



of this case, since it cannot be a prize scheme prohibited under the Act and the people of the Church desisted all the activities in relation to their scheme in the preliminary stage itself and thus, no cognizance of offence is made out.

6.I submit that I have filed the final report before the 1st respondent herein on 07.02.2020. The the 1st respondent has passed the final order dated 18.02.2020, stating that the case will not attract the provisions of the Tamilnadu Prizes Scheme (Prohibition) Act, 1979 and Tamilnadu State Lotteries (Regulations) Rules, 2002. Further, it was directed to the parties of the Church to maintain peace. The order passed by the 1st respondent along with all documents is enclosed herewith.

4.The learned Government Advocate (Crl.Side) appearing for the respondents/contemnors would submit that a copy of the final order passed in W.P.(MD) No.20390 of 2019 dated 22.11.2019 was received by the third respondent herein on 07.01.2020, pursuant to which, on 10.01.2020, he had issued summons for enquiry to both parties, calling upon them to appear before him in person on 11.01.2020 at 10.00 am. Thereafter, the third respondent herein had conducted an enquiry by receiving the statements and documents submitted by both parties and the written statement signed by the members of the Church submitted through the Parish Priest.

5.She would further submit that on 11.01.2020, the third respondent has filed an application before the District Registrar, Kanyakumari District to clarify whether the Conventional Chit Scheme is permissible or not and whether it is offensive or not under any Acts or Rules. Further, the Assistant Director of Prosecution Kanyakumari District had orally opined that the Tamilnadu Prizes Scheme (Prohibition) Act, 1979 and Tamilnadu State Lotteries (Regulations) Rules, 2002 is not applicable to the facts of the present case. Further, the Assistant Public Prosecutor had issued legal opinion dated 13.02.2020, upon the request of the Sub Inspector of Police, Kotticode Police Station, stating that the above said Acts and Rules are not applicable to the facts of the case, since it cannot be taken as a prize scheme prohibited under the Act and thus, no cognizance of offence is made out.

6.Thereafter, the third respondent has filed a final report before the first respondent herein on 07.02.2020, based on which, the first respondent has passed a final order dated 18.02.2020 stating that the case will not attract the provisions of the Tamilnadu Prizes Scheme (Prohibition) Act, 1979 and Tamilnadu State Lotteries (Regulations) Rules, 2002. Further, the parties of the Church were also directed to maintain peace. She would submit that the respondent had duly complied with the order of this Court and no contempt has been committed by him.



7.In view of the above, the directions issued in the order passed by this Court dated 22.11.2019 have been duly complied with.

8.At this juncture, the learned counsel appearing for the petitioner would submit that the copies of the status report and the final order passed by the first respondent herein dated 18.02.2020, have not been served on the petitioner.

9.In reply, the learned Government Advocate (Crl.Side) would submit that the copies of the status report and the final order dated 18.02.2020 have been duly served on the petitioner and the petitioner has also duly acknowledged the same.

10.Having gone through the status report filed by the third respondent, this Court is of the opinion that no contempt has been committed by the respondents/contemnors and accordingly, this Contempt Petition is closed. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Mm

To

1. Sharanya Ari
The Revenue Divisional Officer cum
Sub collector,
Padmanapuram, Thuckalay,
Kanyakumari District

3.N.Sreenath
The Superintendent of Police,
Kanyakumari District at Nagercoil

4.M.Arul Parkash
The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District

+1 CC to Mr.R.J.KARTHIK, Advocate (SR-8293[F] dated 26/02/2020)

Cont.P. (MD) No.19 of 2020
in

W.P. (MD) No.20390 of 2019
25.02.2020