



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Cont. P(MD)No.1121 of 2020

in

W.P(MD)No.10302 of 2020

The Executive Officer,
Kayathar Town Panchayat,
Tuticorin District.

... Petitioner

Vs.

G.R.Subramanian

... Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the contemtor for committing grave contempt and gross disobedience of the order dated 28.08.2020 passed by this Court in W.M.P.(MD)No.9171 of 2020 in W.P.(MD)No.10302 of 2020.

Prayer in WMP(MD) . 9171/ 2020 :

To grant an Ad Interim Stay of operation of the impugned order passed by the respondent in his proceedings Na.Ka.No. 167/2020 dt. 20.07.2020 pending disposal of the above WP and thus render justice.

Prayer in WP(MD) . 10302/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the impugned order passed by the respondent in his proceedings Na.Ka.No. 167/2020 dt. 20.07.2020 and quasht the same as illegal.

For Petitioner

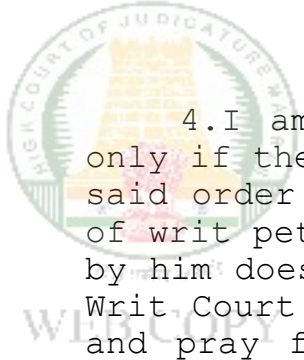
: Mr.S.Srimathy

O R D E R

Heard the learned counsel appearing for the petitioner.

2.The learned standing counsel for the Panchayat points out that the respondent herein namely G.R.Subramanian filed W.P.(MD) No.10302 of 2020 challenging the notice issued by the Panchayat and obtained an order of interim stay.

3.The grievance of the Panchayat is that the interim order obtained by the writ petitioner is applicable not only against the respondent in the writ petition but also to the writ petitioner also. But after obtaining the interim order, the petitioner is said to have completed the construction. This, according to the petitioner, constitutes contempt.



4.I am unable to agree. The question of contempt will arise only if there is a willful breach by the party concerned. Here, the said order is only against the Panchayat. Therefore, the question of writ petitioner committing contempt of the interim order obtained by him does not arise at all. The Panchayat can very well move the Writ Court and apply for vacating the interim order earlier granted and pray for dismissal of the writ petition itself by citing the conduct of the petitioner. Instead of doing so, the contempt petition has been filed. This, in my view, may not be an appropriate course of action. Leaving open the rights of the Panchayat, the contempt petition stands closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

Cont. P (MD) No.1121 of 2020
in
W.P (MD) No.10302 of 2020
12.10.2020

AC (CO)
CS (22.12.2020) 2P 1C