



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cont P(MD).No.1149 of 2019

in

W.P. (MD) .No.6205 of 2019

WEB COPY

Kanyakumari District Mini Bus Owners Association,
Represented by its Secretary,
P.David Raj,
No.17-119D, APN Jewelers, Karungal,
Kanyakumari District. ...Petitioner/Petitioner/Petitioner

Vs.

1.Mani,
The Managing Director,
Tamil Nadu State Transport Corporation,
Tuticorin Road, Kattapomman Nagar,
Tirunelveli.

2.Thiruvambalam Pillai,
The General Manager,
Tamil Nadu State Transport Corporation,
Ranithotham, Nagercoil,
Kanyakumari District. ...Contemnors / Respondents /
Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents for the deliberate and willful disobedience of the order dated 15.03.2019 passed by this Court in W.P.(MD).No.6205 of 2019 and W.M.P.(MD).No.4958 of 2019.

Prayer in WP(MD). 6205/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus, directing the 1st respondent to take appropriate action against the respondents 3 & 4 and their subordinates from interfering with the operation of the Mini Buses of the Members of the petitioners Association and consequently to forbear the respondents 3 & 4 and their subordinates from intercepting the peaceful operation of the Stage Carriage Service of the members of the petitioners Association by considering the petitioners representation dated 26.02.2019.

For Petitioner

: Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates



For Respondents

: Mr.K.Sathyasingh

ORDER

Heard the learned counsel on either side.

2. Alleging that the interim injunction granted by this Court has been breached, this Contempt Petition came to be filed.

3. The learned Standing counsel today filed the affidavit of the respondents. Paragraph Nos.2 and 3 of the said affidavit read as follows.:-

"2) I submit that I am the Managing Director of the respondent Transport Corporation. Against the public Transport Corporation this contempt petition is filed without any cause of action. In fact, I have not committed any contempt. I have not prevented the petitioner Association mini buses. I have got great respect for the order of this Honourable Court. When the petitioner Association Mini Buses violated route permit at the responsible my Transport Corporation officers notice the violation and in turn as public authority I informed the Regional Transport Authority and Regional Transport officer regarding this violation and in exercise their duty of where they prevented the buses from violating the route permit.

3)I submit that these respondents were never ever intercepted the operation of petitioners mini buses at any point of time. The mini bus operators violated the permit condition it will reported to the authorities concerned viz Regional Transport Officer (RTO) and Police by the officials of my staffs and same will be dealt in accordance with law by the authorities."

4. I make it clear that if this undertaking is breached, it will be open to the petitioner herein to revive this contempt petition. With this liberty to the petitioner, this contempt petition stands closed.

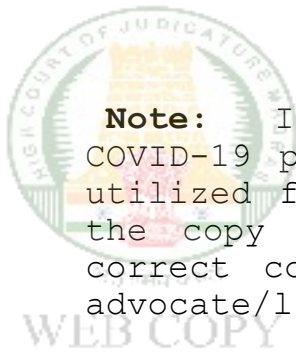
Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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.

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AP(06/08/2020) 3P 1C