



WEB COPY

Cont.P.No 1031 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

Cont.P. No.1031 of 2014

R.Arivanban,
Korakathur Village,
Cheyyar Taluk,
Tiruvannamalai District

.. Petitioner

Vs

S.Santha
Revenue Divisional Officer,
Cheyyar – 604 407
Tiruvannamalai District.

.. Respondent

Contempt Petition filed under Section 11 of the Contempts of Court Act, praying to punish the respondent for her wilful disobedience the order dated 19.06.2013 passed in M.P. No.1 of 2013 in W.P. No.16399 of 2013.

For Petitioners : Mr. P.Mani

For Respondent : Mr. M.Elumalai
Additional Government Pleader

O R D E R

This Contempt Petition has been filed to punish the respondent for wilful obedience of the order of this Court passed in M.P. No.1 of 2013 in W.P. No.16399 of 2013 dated 19.06.2013.

2. As against the order of payment of a sum of Rs.30,00,000/- passed by the Revenue Divisional Officer, the petitioner filed a Writ Petition in W.P. No.16399 of 2013. By an order dated 19.06.2013, this Court granted an interim order not to



take coercive action against the petitioner to recover the amount of Rs.30,00,000/-

as per the impugned order. Alleging that the respondent has closed the business premises and that the petitioner was not allowed to run the business, the petitioner has come forward with the above contempt petition.

3. Learned Additional Government Pleader submitted that the petitioner without getting license from the concerned authority had given thousands of connections to the individuals by collecting monthly connection fees from the individuals. Since the petitioner also failed to pay the amount due to Tamil Nadu Arasu Cable TV Corporation Ltd., a show cause notice was issued to the petitioner and proceedings were initiated for disconnecting the cable TV and LCO. The respondent admits that proceedings have been initiated for the offences committed by the petitioner while carrying on business under license from the Tamil Nadu Arasu Cable TV Corporation Ltd.

4. This Court carefully considered the submissions of the learned counsel for the petitioner and the stand taken by the respondent in the counter affidavit. It is to be noted that the Writ Petition filed by the petitioner is pending. The interim order is only to prevent the respondent to take coercive steps to recover the amount of Rs.30,00,000/-. Since the respondent has initiated further proceeding against the petitioner for further violations, there is no scope for initiating contempt. Considering the explanation offered by the respondent, this Court



examined the materials produced before this Court. Going by the affidavit and the document furnished by the petitioner, this Court is unable to find any merits in the Contempt Petition.

5. The stand taken by the respondent that she has not demanded any money or taken any coercive steps is noted. It is established that the petitioner was found to have violated the terms and conditions of license by doing some illegal activities. It is always open to the respondent to collect the amount due from the petitioner if he commits offences under Section 3,4A, 5, 6 or 8 of the Cable T.V. Network Regulation Act, 1995. The petitioner is unable to produce before this Court any material to establish commission of contempt by wilful disobedience of orders of this Court. As pointed out earlier, the petitioner has not produced any material to the satisfaction of this Court to prove that the petitioner was coerced to make the sum of Rs.30,00,000/-. The respondent has lawfully initiated action for further violations committed by the petitioner. The further action initiated by the respondent cannot be treated as disobedience of the direction of this Court.

6. Learned Additional Government Pleader also pointed out that the petitioner in the contempt petition has not even turned out for the enquiry. Since no material or record is produced or made available before this Court to prosecute the respondent for contempt, this Court has no other option but to close the contempt petition.



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7. This Court finds no merits in this contempt petition. Accordingly the contempt petition is dismissed. No costs. While closing the contempt petition, this Court directs the respondent to hold fresh enquiry after issuing notice to the petitioner and pass final orders, if the petitioner commits any other violation or irregularity.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

bkn

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)
from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

Gs/09/07/2021

To

The Revenue Divisional Officer,
Cheyyar – 604 407
Tiruvannamalai District.