



Cont. Petn. 1960 of 2014 etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 09.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

**Cont. Petn. No.1960, 1961, 1962, 1963,1964,
1965,1966, 1967, 1968, 1969 and1970, of 2014**

Cont. Petn. No.1960 of 2014

The General Manager,
Salem District Co-operative Milk Producers
Union Limited, Sithanur,
Thalavaipatty Post, Salem 636 302.

... Petitioner

Vs.

R. Murali,
No.6/1, Saradha College Road,
South Alagapuram,
Salem – 636 004

... Respondent

PRAYER in Cont.Petn. No.1960 of 2014: Contempt Petition filed under
Section 11 of the Contempt of Courts Act, 1971 to punish the respondent
for filing a suit in O.S.No.71 of 2014 dt.28/01/2014 on the file of the
District Munsif, Salem by willfully suppressing the pendency of
W.P.No.12997 of 2013 before this court.

Cont. Petn. No.1961 of 2014

The General Manager,
Salem District Co-operative Milk Producers
Union Limited, Sithanur,
Thalavaipatty Post, Salem 636 302.

... Petitioner



Vs.

E.Sekar,

No.27, Velasamy St.,

Arisipalayam, Salem – 636 009

... Respondent

PRAYER in Cont.Petn. No.1961 of 2014: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for filing suit in O.S.No.75 of 2014 on the file of the District Munsif Court, Salem by willfully suppressing the pendency of W.P.No.12998 of 2013 before this Hon'ble Court.

Cont. Petn. No.1962 of 2014

The General Manager,

Salem District Co-operative Milk Producers

Union Limited, Sithanur,

Thalavaipatty Post, Salem 636 302.

... Petitioner

Vs.

C.Asokan,

No.18-1/11A, Avvaiyar St.,

Subramania Nagar, Salem – 636 005

... Respondent

PRAYER in Cont.Petn. No.1962 of 2014: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for filing suit in O.S.No.72 of 2014 on the file of the District Munsif Court, Salem by willfully suppressing the pendency of W.P.No.12999 of 2013 before this Hon'ble Court.

Cont. Petn. No.1963 of 2014

The General Manager,

Salem District Co-operative Milk Producers

Union Limited, Sithanur,

Thalavaipatty Post, Salem 636 302.

... Petitioner

Vs.



Thilkaj Banu,

No.30-2, 2nd Darman Nagar,

Suramangalam, Salem – 636 005

... Respondent

PRAYER in Cont.Petn. No.1963 of 2014: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for filing suit in O.S.No.73 of 2014 on the file of the District Munsif Court, Salem by willfully suppressing the pendency of W.P.No.13000 of 2013 before this Hon'ble Court.

Cont. Petn. No.1964 of 2014

The General Manager,

Salem District Co-operative Milk Producers

Union Limited, Sithanur,

Thalavaipatty Post, Salem 636 302.

... Petitioner

Vs.

S.Balamani,

No.296/471, Chinnappan Street,

Arisipalayam, Salem 636 009

... Respondent

PRAYER in Cont.Petn. No.1964 of 2014: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for filing suit in O.S.No.70 of 2014 on the file of the District Munsif Court, Salem by willfully suppressing the pendency of W.P.No.13001 of 2013 before this Hon'ble Court.

Cont. Petn. No.1965 of 2014

The General Manager,

Salem District Co-operative Milk Producers

Union Limited, Sithanur,

Thalavainpatty Post, Salem 636 302.

... Petitioner



Cont. Petn. 1960 of 2014 etc. batch

Vs.

R.P.N.Ravi,

Anna Nagar 2nd St.,

Mamagam, Salem – 636 005

... Respondent

PRAYER in Cont.Petn. No.1965 of 2014: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for filing suit in O.S.No.79 of 2014 on the file of the District Munsif Court, Salem by willfully suppressing the pendency of W.P.No.13002 of 2013 before this Hon'ble Court.

Cont. Petn. No.1966 of 2014

The General Manager,

Salem District Co-operative Milk Producers

Union Limited, Sithanur,

Thalavaipatty Post, Salem 636 302.

... Petitioner

Vs.

B.S.Jayamani,

No.47/15, Syed Kadhar Street,

Arisipalayam, Salem – 636 009

... Respondent

PRAYER in Cont.Petn. No.1966 of 2014: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for filing suit in O.S.No.77 of 2014 on the file of the District Munsif Court, Salem by willfully suppressing the pendency of W.P.No.13003 of 2013 before this Hon'ble Court.

Cont. Petn. No.1967 of 2014

The General Manager,

Salem District Co-operative Milk Producers

Union Limited, Sithanur,

Thalavainpatty Post, Salem 636 302.

... Petitioner



Vs.

Tamilarasan@Nandakumar,

No.25, Velasamy St.,

Arisipalayam, Salem – 636 009

... Respondent

PRAYER in Cont.Petn. No.1967 of 2014: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for filing suit in O.S.No.76 of 2014 on the file of the District Munsif Court, Salem by willfully suppressing the pendency of W.P.No.13004 of 2013 before this Hon'ble Court.

Cont. Petn. No.1968 of 2014

The General Manager,
Salem District Co-operative Milk Producers

Union Limited, Sithanur,
Thalavaipatty Post, Salem 636 302.

... Petitioner

Vs.

S.Baskar

No.68, Chairman Sadagoban St.,

Salem – 636 001

... Respondent

PRAYER in Cont.Petn. No.1968 of 2014: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for filing suit in O.S.No.81 of 2014 on the file of the District Munsif Court, Salem by willfully suppressing the pendency of W.P.No.13005 of 2013 before this Hon'ble Court.

Cont. Petn. No.1969 of 2014

The General Manager,

Salem District Co-operative Milk Producers

Union Limited, Sithanur,

Thalavaipatty Post, Salem 636 302.

... Petitioner



Cont. Petn. 1960 of 2014 etc. batch

Vs.

Uma,

No.316, Vellalar St.,

Mahendrapuri, Salem – 636 007

... Respondent

PRAYER in Cont.Petn. No.1969 of 2014: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for filing suit in O.S.No.78 of 2014 on the file of the District Munsif Court, Salem by willfully suppressing the pendency of W.P.No.13006 of 2013 before this Hon'ble Court.

Cont. Petn. No.1970 of 2014

The General Manager,

Salem District Co-operative Milk Producers

Union Limited, Sithanur,

Thalavaipatty Post, Salem 636 302.

... Petitioner

Vs.

Sahul Hameed,

No.55B, West Makkam St.,

Salem – 636 005

... Respondent

PRAYER in Cont.Petn. No.1970 of 2014: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for filing suit in O.S.No.74 of 2014 on the file of the District Munsif Court, Salem by willfully suppressing the pendency of W.P.No.13007 of 2013 before this Hon'ble Court.

In all the contempt petitions

For petitioner

: Mr.V.Venkatesan



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Cont. Petn. 1960 of 2014 etc. batch

COMMON ORDER

This contempt petitions have been filed by the petitioner to punish the respondents for filing the respective original suits before the District Munsif, Salem by willfully suppressing the pendency of W.P.No.12997 to 13007 of 2013 before this court. Since the issues involved these contempt petitions are identical, they are disposed of by this common order.

2. The learned counsel appearing for the petitioner submitted that the petitioner had appointed various persons / allottees including the respondents to run the Aavin Parlours with a specific condition that only Aavin Milk and Milk products shall be sold in the Aavin Parlours. But, since the allottees including the respondents had violated the above condition, the petitioner had passed orders on 04.04.2012 cancelling the order of allotment. Challenging the above said order, the allottees have filed W.P.Nos.12786 to 12798 of 2012 before this court. In the meanwhile, the Corporation council had passed a resolution No.216 dated 29.10.2012, cancelling the permission granted in favour of the allottees to run the Aavin parlours.



2.1. He further contended that, this court vide order dated 21.03.2013 had set aside the order of cancellation of licence passed by the petitioner and had directed the petitioner to pass order, after considering the explanation submitted by the respondent.

2.2. It is further contended by the counsel for the petitioner that in compliance of the orders passed by this court, the petitioner had passed detailed order of cancellation of allotment on 18.04.2013, by considering all the aspects. Challenging the above said order and the resolution of the Corporation dated 29.10.2012, the respondents have filed W.P.No.12997 to 13007 of 2013 before this court and interim stay was granted on 26.01.2013. The petitioner as well as Corporation of Salem, have filed counter affidavits and also vacate stay petition. All the parties were heard by this court and orders were reserved on 03.10.2013. While that being so, the respondents have filed the respective suit for permanent injunction restraining the petitioner herein and the Corporation from evicting them from the suit property forcibly, unless under due process of law. In that suits, interim injunctions were also granted. However, the respondents have not disclosed anything about the pendency of the writ petitions in W.P.Nos.12997 to 13007 of 2013 before this court. Hence, this contempt petition.



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3. Considering the fact that the petitioner has filed the present contempt petition as against the respondents and the respondents have filed the respective suits before the District Munsif, Salem, prima facie, it shows that no materials has been placed to satisfy this court that the contempt petition is maintainable, as against the civil suits filed by the respondents. Further, no case is made out against the respondents for willfull disobedience of the orders passed in the writ petitions in W.P.No.1297 to 13007 of 2013 by this court.

4. Therefore, the petitioner is directed to seek appropriate remedy, either before this court in the above said writ petitions in w.P.No.12997 to 13007 of 2013 or before the concerned court in the above suits in O.S.No.70 to 79 & 81 of 2014, or challenge the above said suits in the manner known to law.

5. With the above observations, this contempt petition is closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

mst

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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GS/09/08/2021