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Cont.P. No. 3385 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2021

Coram :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

Contempt Petition No. 3385 of 2014

R. Senthil Kumar,
Flat 1-A, Crescent Part Apartments,
Old No.4, New No.11,
Crescent Park Street,
T.Nagar, Chennai – 600 017

.. Petitioner

Versus

C. Senthil Pandian
Regional Passport Officer
Regional Passport Office
Royal Towers
No.2 & 3, 4th Floor
Old No.785, New No.158
Anna Salai, Chennai - 600 002

.. Respondent

Contempt Petition filed under Section 11 of The Contempt of Courts Act, 1971 praying to punish the respondent for having committed contempt by wilfully disobeying the order of this Court dated 22.08.2014 and made in MP No. 2 of 2014 in WP No. 21613 of 2014.

For Petitioner : Mr. T. Gowthaman
For Respondent : Mr. Venkatasamy Babu

Central Government Standing Counsel



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ORDER

This contempt petition is filed by the petitioner complaining non-compliance of the order dated 22.08.2014 made in MP No. 2 of 2014 in WP No. 21613 of 2014.

2. The petitioner has filed the writ petition challenging the order dated 02.07.2014 passed by the respondent, impounding the passport of the petitioner under Section 10 (3) (3) The Passports Act, 1967, on the ground that a Criminal Case has been registered against the petitioner. When the writ petition was listed for hearing before this Court on 22.08.2014, this Court granted interim stay on the basis of the representation made on behalf of the petitioner that only a First Information Report in Crime No. 14 of 2012 was registered against the petitioner in which charge sheet has not been filed.

3. The learned counsel for the respondent would contend that at the time when the interim stay was granted by this Court on 02.07.2014, charge sheet has been filed against the petitioner and it was taken on file by the learned Chief Judicial Magistrate, Erode in C.C. No. 130 of 2014 on 29.05.2014. The petitioner, suppressing the filing of charge sheet on 29.05.2014, has filed the Writ Petition as well as the petition for interim stay. Subsequently, by pointing out the suppression of material facts with respect to filing of the charge sheet,



the respondent has filed a Petition to vacate the interim order. In Para No.5 of the petition to vacate the interim stay, it was stated that charge sheet was filed even on 29.05.2014 in C.C. No. 130 of 2014, thus, the learned counsel prayed for dismissal of the contempt petition.

4. Heard the learned counsel for the petitioner and the learned Central Government Standing Counsel for the respondent. It is evident that when the interim order passed on 22.08.2014 in MP No. 2 of 2014 in WP No. 21613 of 2014, this Court was under the impression that charge sheet has not been filed in the criminal case registered against the petitioner. The fact remains that even on 29.05.2014, charge sheet in Crime No.14 of 2012 has been filed against the petitioner and it was taken on file in C.C. No. 130 of 2014 by the learned Chief Judicial Magistrate, Erode. While so, the contention of the petitioner that based on the interim stay granted by this Court on 22.08.2014, the respondent ought to have suspended the order impounding his passport cannot be countenanced. The fact remains that the respondent has filed a Vacate Stay Petition to vacate the interim stay granted by this Court on 22.08.2014 and it is pending. The correctness or otherwise of the order dated 02.07.2014 passed by the respondent, impounding the passport of the petitioner under Section 10 (3) (3) The Passports Act, 1967, can be gone into only in the writ petition and not by way of the present contempt petition. Therefore, it cannot be said that the respondent has



wilfully disobeyed the order passed by this Court. Consequently, the contempt petition deserves only to be closed.

5. In the light of the above, the contempt petition is closed. No costs. Office is directed to list the WP No. 21613 of 2014 for final hearing.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

rsh

//Certified to be true copy//

Dated at Madras this the day of 2021.

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GS/27/09/2021

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The Section Officer,
Writ Section,
High Court, Madras