



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Twentieth day of October Two Thousand Twenty One

WEB COPY

PRESENT
The Hon`ble Mr.Justice.S.S.SUNDAR

SUB .APPL(MD)No.195 of 2021
in
CONT P(MD). No.179 of 2021

S.Jayasekar ... Petitioner/Petitioner/Petitioner

Vs

1 Mr.Nadukatturaja,
The Regional Joint Registrar
(Co-Operative Societies),
Kanyakumari Region, Nagercoil
Kanyakumari District.

2. A.Shanmuga sundaram
The Registrar of Co-Operative Societies,
Chennai - 600 010.

...Contemnor/Contemnor/1st Respondent

Prayer in SUB.APPL(MD)No.195 of 2021:

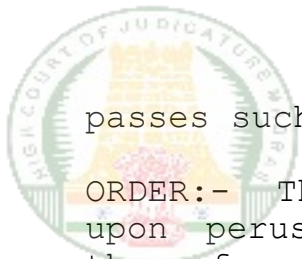
This Sub Application is filed under Section 151 of Civil Procedure Code to reopen in the CONT P(MD). No.179 of 2021 closed on 01.04.2021.

Prayer in CONT P(MD). No.179 of 2021:

Contempt petition is filed under Section 11 of the Contempt of Court Act, 1971, to punish the respondent herein for his deliberate and willful disobedience of the Order of this Honourable Court dated 10.11.2014 in W.P.(MD)No.16360 of 2012 Under Article 215 of the Constitution of India read with Section 11 of the Contempt of Courts Act, 1971.

Prayer in W.P.(MD)No.16360 of 2012:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the 2nd respondent Regional Joint Registrar herein to pass appropriate orders on the proposals submitted by the 4th respondent dated 23.10.2010 and 21.05.2012 and by the 5th respondent dated 23.10.2010 and 21.05.2012 requesting permission to absorb the petitioner permanently as Assistant / Clerk towards the vacant post in the 5th respondent Co - operative Society, and further direct the respondents not to fill up the vacant post of Assistant / Clerk in the respondent Co-operative Society till the 2nd respondent



passes such order.

ORDER:- This Sub Application coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Thiru.K.Ragatheesh Kumar, Advocate for the Petitioner and of Thiru. M.Lingadurai, Government Advocate for the 1st respondent, this Court made the following order:

The order, which is now cited as an order in compliance of the direction of this Court, is a cryptic order. It is stated that the petitioner cannot be absorbed in the other Society, as the petitioner was absorbed illegally by the transfer of Society. This issue was specifically considered by this Court while disposing of the Writ Petition. Hence, the order, which is cited for closing the Contempt is not an order in compliance of the direction of this Court in the Writ Petition.

2.Since the order, dated 01.04.2021, closing the Contempt Petition was on the basis of representation of the respondent, this Court find that the representation was misleading and hence, the order, dated 01.04.2021, is liable to be recalled. Accordingly, this petition is allowed and the the order, dated 01.04.2021, passed in the main contempt petition is recalled and the Cont.P.(MD)No.179 of 2021 is restored to file.

3.The Registry is directed to post the main Contempt Petition for hearing in the usual course.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

1. Mr.Nadukatturaja,
The Regional Joint Registrar (Co-Operative Societies) Kanyakumari Region Nagercoil
Kanyakumari District.
2. A.Shanmuga sundaram
The Registrar of Co-Operative Societies,
Chennai - 600 010.
3. Circle Deputy Registrar (Co -Operative Societies)
Thuckalay Circle, Palace Road, Thuckalay, Kanyakumari District.



4. The Special Officer,
No. K.V-125, the Kanyakumari District
Khadi & Village Industries Board Employees Co-Op.
Thrift & Credit Society Ltd.,
Karungal - 629 157, Kanyakumari District.
5. The Special Officer,
No.Y93 Vizhuthayambalam
Primary Agricultural Cooperative Credit Society Ltd,
Vizhuthayambalam Post, Kanyakumari District.
6. The Special Govt. Pleader,
Madurai Bench of Madras High Court, Madurai

copy to
The Section Officer, Contempt Section,
Madurai Bench of Madras High Court, Madurai.

ORDER DATED : 20/10/2021

=====
ORDER
=====

SUB .APPL(MD)No.195 of 2021
in
CONT P(MD). No.179 of 2021

Giving direction and etc.
as stated within.

ps (CO)
TR/JGP(16.11.2021) 3P 8C