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CONT.P.(MD)No.843 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CONT.P.(MD)No.843 of 2021

in

W.P.(MD)Nos.6906 of 2021

and

W.M.P.(MD)No.5297 of 2021

S.Bhagyalakshmi

... Petitioner/Petitioner/
Petitioner

Vs.

1. Reshma,

Deputy General Manager(Policy),
Tamil Nadu Small Scale Industries Development
Corporation Limited(TANSIDCO),
Sidco Corporate Office,
Thiru.Vi.Ka. Industrial Estate, Guindy,
Chennai – 32.

... Contemnor/3rd Respondent/
3rd respondent

2. Arul Pandian,

General Manager,
Tamil Nadu Small Scale Industries
Development Corporation Ltd.,
SIDCO Corporate Office,
Thiru.Vi.Ka. Industrial Estate, Guindy,
Chennai – 32.

(R-2 is impleaded vide Order dated 05.07.2021

in Cont.P(MD)No.843 of 2021)

... Contemnor



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Prayer: Contempt petition is filed under Section 11 of the Contempt of Courts Act, to initiate contempt proceedings against the contemnor/respondent herein and punish him for the misleading this Court by submitting a wrong statement deliberately and obtain a favourable order as to prejudice or interfere with the due course of judicial proceedings in W.P. (MD)No.6906 of 2021 dated 01.04.2021.

For Petitioner : Mr.T.Lajpathi Roy

For Respondents: Mr.Veerakathiravan,
Senior Advocate,
for Mr.T.Sakthi Kumaran.

* * *

ORDER

Mrs.S.Bhagyalakshmi and two others filed W.P.(MD) No.6906, 6907 and 6909 of 2021 seeking declaration that the allotment of 42 plots in Kappalur Industrial Estate by TANSIDCO pursuant to the notification dated 18.01.2021 is illegal and void. The petitioners also sought interim relief for



restraining the allotting authority from handing over possession of the allotted plots in favour of the beneficiaries.

The matter was taken up for hearing on 01.04.2021 and heard at length. The contemnors herein, namely, Mrs.Reshma (Deputy General Manager(Policy), TANSIDCO and Mr.Arul Pandian (General Manager), TANSIDCO, appeared before this Court through video conference. They stated that the allotment process was fully over and that the allotment letters were also sent by Speed Post on 26.02.2021 before 4.30 p.m. It is now stated by the petitioner that this was a false statement made by the contemnors. It now transpires that the allotment letters were actually despatched only on 10.03.2021 and not on 26.02.2021 before 4.30 p.m. Since I felt that *prima facie* a misleading statement was made before me, I admitted the contempt petition and ordered issuance of statutory notice.

2. Pursuant to the statutory notice, the contemnors appeared before this Court in person and also filed their affidavits of apology. They frankly informed the Court that the statement made by them was incorrect. However, they would



submit that they did not have any intention to mislead the Court.

3. The learned Senior counsel appearing for the contemnors would point out that even though the statement made by the contemnors was clearly incorrect, this Court did not grant interim order in favour of the writ petitioners on the basis of the said statement. After going through the record, this Court had held that the *prima facie* case was made out and that the balance of convenience was also in favour of the writ petitioners and therefore, this Court restrained the authorities from confirming the allotment order handing over possession to the allottees. It is now stated that the petitions for vacating stay have been filed and the writ petitions have been taken up for final disposal and that they have been reserved for orders by another learned Judge of this Court.

4. I am reminded of the experience shared by my Senior Late Shri.P.Krishnamoorthy. It was a case between the landlord and the tenant. The landlord had succeeded before the High Court and obtained an order of eviction. The tenant



had filed SLP before the Supreme Court. The Supreme Court granted interim order of status quo. The clerk of the counsel for the tenant went to the office of the landlord's counsel to hand over the order copy. The counsel for the landlord understood what had happened. He told the clerk that he had left his spectacles in his house and asked him to come there. The gullible clerk believing the words of the counsel for the landlord, went to his house. In the meanwhile, the counsel for the landlord alerted his client and told him that the entire building should be demolished in no time. The counsel deliberately did not go to his house till evening. He put his signature along with the date and time of service. In the intervening hours, the entire building was demolished. The tenant took out contempt petition in the Supreme Court. Before the Supreme Court, not only the landlord, but even the Judge of the executing Court were shown as contemnors. Since only a status quo order was passed, the senior counsel appearing for the contemnors argued that what will matter is the position that obtained when the service was completed. The SLP was closed!



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5. Probably, the contemnors herein were advised that if the Court is informed that the allotment order had already been despatched, it would close the interim application. But that did not happen. Notwithstanding such an averment made by the contemnors, I chose to grant interim stay. Therefore, the statement made by the contemnors did not have any effect on me.

6. Making a false statement before a Court of law is a serious matter. I still take an indulgent view because the contemnors frankly admitted their fault. In fact, they filed an affidavit that they should not have made such a statement before the Court. Ms. Reshma during the hearing swooned and the Government Doctor attached to the Court dispensary rushed to treat her. Contrition shown by the contemnors is genuine. Mr. Arul Pandian is said to be on the verge of retirement. Therefore, even though I hold that the statement made by the contemnors before me was false, since it did not have any bearing on the interim order granted by me and the writ petition had been taken up for final disposal, I am closing



the contempt proceedings. I make it clear that the observations made in this order will not have any bearing on the service or career of the respondents herein. They will not face any adverse consequence.

16.08.2021

Index : Yes / No
Internet : Yes/ No
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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.

To :

The Deputy Superintendent of Police,
Deputy Superintendent Office,
Devakottai,
Sivagangai District.



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G.R.SWAMINATHAN,J.

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