



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE R. THARANI

Cont.P(MD)No.631 of 2020

in

W.P. (MD)No.18587 of 2019

1.Deepu Bharath Mohan

2.Vethika Mohan

: Petitioners/Writ Petitioners

Vs.

Prashant M.Wadnere, I.A.S.,
The District Collector,
Kanyakumari District Collectorate,
Nagercoil,
Kanyakumari District.

: Contemnor/1st Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to initiate contempt proceedings against the respondent for his wilful disobedience to the order of this Court in W.P.(MD).No.18587 of 2019 dated 19.09.2019 and punish the respondent under the contempt of Court Act.

Prayer in WP(MD)No. 18587/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to Direct the 1st Respondent to pass orders in the Appeal filed by the petitioners in January 2019, within the time frame fixed by this Honourable Court

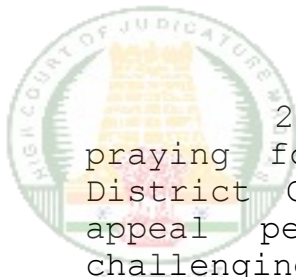
For Petitioners : M/s.J.Anandhavalli

For Respondent : Mr.A.K.Manickam
Standing Counsel for Government

ORDER

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

This contempt petition has been filed against the wilful disobedience of the order and directions issued in W.P.(MD).No.18587 of 2019 dated 19.09.2019.



2.The said writ petition was filed by the petitioners praying for a direction upon the first respondent namely, the District Collector, Kanyakumari District, to pass orders on the appeal petition filed by the petitioners in January 2019, challenging the rejection of the claim for issuance of the Community Certificate stating that the petitioners belong to a Scheduled Caste Community. After notice was ordered in the contempt petition, it appears that hurriedly the first respondent has passed an order, dated 20.08.2020 and the same has been placed before us by the learned Standing Counsel for Government by way of typed set of papers.

3.On a perusal of the order, dated 20.08.2020, we are of the clear view that the contemnor / first respondent has not applied his mind and mechanically passed the order, which will be a good case to initiate contempt proceedings against the first respondent and also pass other consequential orders. However, that is not going to help the petitioners.

4.The contemnor / first respondent being the appellate authority has to independently apply his mind and take a decision in the matter. Assuming that the appellate authority is concurring with the original authority, then reasons have to be given as to why the orders passed by the original authority is correct. Unfortunately, the contemnor / first respondent merely called for a report from the Sub Collector, who passed the rejection order and based on the report, rejected the appeal petition. Therefore, the order, dated 20.08.2020 is illegal and unsustainable in law.

5.Accordingly, we allow the contempt petition, set aside the order dated 20.08.2020 and remand the matter back to the District Collector, Kanyakumari District, for fresh consideration and pass a reasoned order on merits and in accordance with law, within a period of three weeks from the date of receipt of copy of this order, after affording an opportunity of personal hearing to the petitioners or their authorized representatives.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



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.

WEB COPY

To

The District Collector,
Kanyakumari District Collectorate,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.J.ANANDHAVALLI, Advocate (SR-24172[F] dated 28/07/2021)

+1 CC to M/s.SPL GP (SR-24439[F] dated 29/07/2021)

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27.07.2021

MGJ(05.08.2021) 3P 4C