



Cont.P.No.1883 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE **R.SURESH KUMAR**

Cont.P.No.1883 of 2015

B.Ramalingam,
No.9, Vaigai street,
Vasanth Nagar,
Muthialpet, puducherry

.. Petitioner

Vs.

S.D.Sundaresan,
Licensing Officer,
Transport Department,
Puducherry - 605 504.

.. Respondent

Prayer : Contempt Petition filed Under Section 11 of Contempt of Courts Act, 1971, to punish the respondent for the willful disobedience the orders of this Hon'ble Court made in W.P.No.14623 of 2012, dated 08.06.2012.

For Petitioner : Ms.S.Radha Gopalan

For Respondent : Mr.J.Kumaran

Additional Government Pleader (Puducherry)

ORDER

This contempt petition has been filed for the alleged disobedience of the orders passed by a learned Judge of this Court on 08.06.2012 in W.P.No.14623 of 2012.



2. In the said order, the learned Judge directed the respondent to consider and dispose of the petitioner's representation dated 19.03.2012 within a period of four weeks time.

3. Since the said order has not been complied with, this contempt petition was filed in the year 2015.

4. When this contempt petition is taken up for hearing further today, Ms.S.Radha Gopalan, learned counsel appearing for the petitioner has submitted that very belatedly after nine years of passing the order by this Court, now they disposed the representation of the petitioner by rejecting the same vide order dated 29.10.2021.

5. Therefore, first of all, nine years delay has not been explained. Hence, this Court may be pleased that contempt can be initiated against the erring officials.

6. She would also submit that, as against the order dated 29.10.2021, where since the plea of the petitioner for refund of fee has been rejected, the petitioner may be permitted to prefer an appeal before the Government within a time frame that may be stipulated by this Court.

7. Mr.J.Kumaran, learned Government Pleader (Puducherry) appearing for the respondent, would submit that, due to the administrative reasons, communication gap as well as frequent change of concerned



officials, the orders of this Court could not be complied with in time.

Therefore, they occurred a huge delay of nine years, though there is no other reasons could be stated according to the learned Government Advocate appearing for the respondent for giving justification of such a huge delay, these reasons have been stated.

8. Normally, this kind of reasons would not be accepted in a contempt proceedings, where admittedly there has been a huge delay in complying with the orders of this Court. However, a note of caution is to be issued by this Court, while disposing this contempt petition, to the concerned officials or the erstwhile officials, who held the said position, to whom the direction was given by this Court in the year 2012, for not having considered the Court order to comply with the same in time.

9. This kind of lethargic attitude on the part of the officials shows that very scant response has been given to the Court orders, as four weeks time was given by this Court to comply, they have taken nine years to comply, hence such an inordinate delay for whatever reasons cannot be accepted by this Court.

10. Anyhow to give a quietus to the issue raised in this contempt petition by making the aforesaid observations, this Court is inclined to close this contempt petition by recording the said order passed on



29.10.2021.

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11. It is open to the petitioner to make an appeal against the said order dated 29.10.2021 now has been passed by the respondent pursuant to the orders of this Court, before the Appellate Authority / Government within a period of thirty days from the date of receipt of a copy of this order.

12. If such an appeal is filed, the same shall be entertained and decided by the Appellate Authority on merits and in accordance with law.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

sp/mp

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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GS/09/06/2022

To

The Licensing Officer,
Transport Department,
Puducherry - 605 504.