



Contempt Petition No.357 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF
JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Contempt Petition No.357 of 2015

The Authorised Officer,
State bank of India,
Retail Assets Central Processing Centre,
OMR, New No.4/952, New No.4-952-A,
3rd Floor, Rajiv Gandhi Salai, Perungudi,
Chennai.

.. Petitioner

VS

Hari Thangaraj,
No.11/376, Kannadasan Salai,
East Mogappair, Chennai

.. Respondent

Prayer: Petition filed under Section 11 of Contempt of Courts Act to punish
the respondent for his willful disobedience of the order dated 18.11.2014
passed in W.P.No.28975 of 2014 on the file of this Court.

For the Petitioner : Mr.R.Imayavaramban
for M/s Ramalingam & Associates

* * * * *



ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This contempt petition has been filed by the Authorised Officer of the State Bank of India alleging non-compliance of the direction given by the Division Bench on the following terms:

"5. In such circumstances, these writ petitions are disposed of granting liberty to the petitioner in both the cases to clear the dues payable as on 09.10.2014 by four equal monthly instalments and the first instalment shall be paid by the petitioners on or before 15.12.2014. If there is any default in payment of any instalment, it is open to the third respondent-bank to proceed in accordance with law. After paying the amounts due as stated above, it is open to the bank to claim the interest payable after 09.10.2014 and on clearing the said interest, the documents shall be returned to the petitioners. No costs. Consequently, connected M.Ps. are closed."

2. The contempt petition has been filed alleging that despite the direction of this Court, the respondent/writ petitioner failed to deposit the amount due in four equal monthly instalments and therefore, he has committed contempt of court.

3. The statement aforesaid has been made ignoring the further part of the order whereby liberty was given to the bank to proceed in accordance



with law in case of default. Even according to the learned counsel for the petitioner, the bank has proceeded further, yet the contempt petition has been filed, despite it has not been made out. The portion of the order quoted above does not show a mandate on the respondent/writ petitioner to pay the amount in four instalments rather it was with the clarity that in case of default, the bank may proceed further in accordance with law. The decision taken by the Authorised Officer to file a contempt petition is a mystery because it is expected from the petitioner bank to know about the outcome of the order passed by this Court before filing the contempt petition. It is nothing but misuse of contempt jurisdiction of the Court by the Authorised Officer of the State Bank of India by incurring expenses towards the litigation which was not even warranted.

4. A case of contempt is not made out, thus, the contempt petition is dismissed with imposition of cost for unnecessary litigation at the instance of the bank. The cost is quantified at Rs.25,000/-. The bank would be at liberty to recover it from the Officer who had advised for filing a contempt petition. It would be after giving an opportunity of hearing for the aforesaid. But, presently, the bank would deposit the cost of Rs.25,000/- with the Tamil Nadu State Legal Services Authority within 15 days from today. In

case of non-compliance of deposit of cost, the Registry is directed to place



Contempt Petition No.357 of 2015

this contempt petition before the Court to pass appropriate order for compliance.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

sra

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)
from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

GS/18/03/2022

Copy To:

1. The Registrar(Judicial),
High Court, Madras 104
2. The TamilNadu State Legal Services Authority,
High Court Campus, Madras 104