



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.23642 of 2018

C.Sellamuthu

...Petitioner

Vs.

1.The Advocate General of Tamilnadu,
High Court, Chennai.

2.Vikram Kapoor,
The Chairman, TANGEDCO,
Annasalai, Chennai.

3.Manivanan,
The Superintending Engineer,
TANGEDCO, Salem.

...Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue writ of Certiorarified Mandamus to call for the records of the first respondent herein in his proceedings in contempt petition No.5 of 2018 dated 22.03.2018 and quash the same and direct the respondent to give consent to the petitioner to file the criminal contempt against the TANGEDCO before this Court.

For Petitioner : Mr.S.V.Karthikeyan
For R1 : Mr.R.ShunmugaSundaram
Advocate General assisted by
Ms.Shakeenaa, Government Advocate &
Mr.Vedha Bhagath Singh,
Special Government Pleader

For R2 & R2 : Mr.Anand Gopalan
for M/s.T.S.Gopalan

O R D E R

I do not find any infirmity in the findings of the learned Advocate General in rejecting the petitioner's application under Section 15 of the Contempt of Courts Act, 1971, whereby, he has sought for consent to initiate contempt proceedings.

2.The grievance of the petitioner seems to be that though several orders have been passed by the Hon'ble High Court as well as Hon'ble Supreme Court, the respondent Court has not chosen to implement such orders.



3.The definition of the terms Criminal Contempt under Section 2(c) of the Contempt of Courts Act 1971, would relate to matters of scandalising or lowering or tending or tend to lower the authority of Court or interference to any judicial proceeding or administration of justice. Disobedience of Courts orders cannot be termed as Criminal Contempt when the definition is strictly applied.

4.The Advocate General has also relied upon the ingredients of the Section 2(c) of the Contempt of Courts Act and thereby, rejected the petitioner's application as not maintainable.

5.The decisions relied upon by the learned counsel for the petitioner also has no relevance since as rightly pointed out by the Advocate General. The decision reported in (2008) 1 SCC 560 - Udyami Evam Khadi Gramodyog Welfare Sanstha and Another Vs State of Uttar Pradesh and Others relates to repeated suppression of facts before the Court and the other judgment reported in (1991) 1 SCC 619- Grih Kalyan Kendra Workers' Union Vs. Union of India and Others relates to filing of repeated writ petitions by petitioners therein.

6.As such there are no merits in the present writ petition, this Writ Petition stands dismissed accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Advocate General of Tamilnadu,
High Court, Chennai.

2.The Chairman,
TANGEDCO,
Annasalai, Chennai.

3.The Superintending Engineer,
TANGEDCO, Salem.

+1cc to M/s.T.S.Gopalan & Co, Advocate SR. No.4078

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