



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

Cont.P.(MD)No. 509 of 2022
in
W.A.(MD) No. 97 of 2022

Muruganantham

.. Petitioner

Vs

1.Ayyappan,
The District Manager,
(TASMAC),
Tamil Nadu State Marketing Corporation Ltd.,
Ramanathapuram District,
Ramanathapuram.

2.Mr.Murugesan,
The Sub-Registrar,
R.S.Mangalam Registration Office,
Ramanathapuram District.

.. Respondents

Contempt Petition filed under Section 11 of the Contempt of Court Act, 1971 praying to issue summons to the Contemnors / Respondents No.1 and 2 for the wilful disobedience of the order dated 11.02.2022 passed by the Hon'ble High Court in W.A.(MD) No.97 of 2022 and punish the Contemnors / Respondents No.1 and 2 under the provisions of the Contempt of Courts Act.

Prayer in WA(MD). 97/ 2022 :

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to set aside the order passed by this Hon'ble Court in W.P.(MD) No.20584 of 2021 dated 06.01.2022.

Prayer in WP(MD). 20584/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorari, to call for the records relating to the auction notice in Na.Ka.No.A4/0726//2017 dated 19/07/2021 on the file of the 1st Respondent and quash the same.



For Petitioner : Mr.V.Kannan
For Respondent : Mr.S.Shanmugavel
Additional Government Pleader
for R2

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ORDER

(Made by PARESH UPADHYAY, J.)

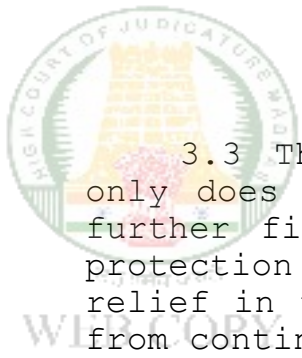
This petition is filed for initiating contempt proceedings against the respondent authorities for alleged breach of the interim order of this Court dated 11 February 2022 recorded on W.A(MD) No.97 of 2022.

2. Learned advocate for the petitioner has submitted that on the face of the order of this Court referred above, the action of the respondent authorities, more particularly the Sub-Registrar - second respondent of not registering the document is contemptuous and therefore he needs to be prosecuted. It is submitted that the respondent be called upon to face the proceedings, as prayed for.

3. Having heard learned advocate for the petitioner and having considered the material on record this Court finds that, though the merits of the matter can not be the subject matter of contempt proceedings, to appreciate the grievance of the petitioner, the following facts need to be recorded:

3.1 The petitioner, as an employee is facing criminal trial for alleged misappropriation of funds of his employer. According to the employer, the defaulted amount was required to be recovered from the petitioner by even disposing of his property. This was challenged in the writ petition. The said writ petition was dismissed. Against that writ appeal was filed. That writ appeal was entertained by this Court. If only the order of learned Single Judge is stayed, the petitioner would have been without any relief, therefore over and above staying the order of learned Single Judge, even the order impugned in the writ petition was also stayed by this Court. The net result thereof is that, it would not open to the employer to recover the amount from the petitioner on the basis of the order which was stayed by this Court. This protection was granted on 11 February 2022. Till that point, there is no dispute.

3.2 Thereafter, it is the action of the petitioner which is perceived to be the cause of action for him to initiate proceedings against the respondent authorities. The petitioner thought it proper to dispose of that property and according to learned advocate for the petitioner, that attempt was made on 21 February 2022 and the Sub-Registrar has not registered the document. It is that action which is perceived to be willful disobedience of the directions of



3.3 The interim order of this Court dated 11 February 2022 not only does not contemplate what is perceived by the petitioner, we further find that the petitioner has attempted to abuse the said protection and therefore has not only disentitled him from any relief in this contempt proceedings, he has further disentitled him from continuing that protection, which was granted by this Court.

4.1 On conjoint consideration of above, the following order is passed:-

4.2 This contempt petition is dismissed.

4.3 The order passed by this Court dated 11 February 2022 which is sought to be exploited by this proceedings needs to be vacated, however it would be very harsh to vacate that protection in the contempt proceedings when the said writ appeal is ordered to be listed on 29 March 2022.

4.4 Registry shall notify W.A(MD) No.97 of 2022 as ordered earlier and a copy of this order shall be retained on that file.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pkn/5

To

1.Ayyappan,
The District Manager,
(TASMAC),
Tamil Nadu State Marketing Corporation Ltd.,
Ramanathapuram District, Ramanathapuram.

2.Mr.Murugesan,
The Sub-Registrar,
R.S.Mangalam Registration Office,
Ramanathapuram District.

+1 CC to M/s.SPL GP (SR-14547[F] dated 25/03/2022)

+1 CC to M/s.V.KANNAN, Advocate (SR-14442[F] dated 25/03/2022)

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24.03.2022

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