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CONT P.(MD)No.735 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

CONT P.(MD)No.735 of 2021

and

SUB APPLICATION No.336 of 2021

in

W.P(MD)No.2597 of 2021

Palaniammal

... Petitioner

Vs.

Mr.S.Nagarajan,
The Commissioner
Theni - Allinagaram Municipality,
Theni,
Theni District.

... Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the contemnor / respondent for his willful disobedience and non-compliance of the order passed by this Court dated 12.02.2021, passed in W.P(MD)No.2597 of 2021.

Prayer in WP(MD). 2597/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-12. To issue a Writ of Mandamus directing the 2nd respondent to pass appropriate orders on the proposal forwarded by the 5th respondent in Na.Ka.No.265/2018/H1, dt 11.07.2018 in respect of the above disbursement of family pension to the petitioner within a stipulated time fixed by this Honble Court and pass such other or further order as this Honble Court may deem fit and proper in the facts and circumstances of this case and thus render justice.

For Petitioner : Mr.A.Saravanan

O R D E R

The Contempt Application is filed to punish the respondent for his willful disobedience of the order passed by this Court on 12.02.2021, passed in W.P(MD)No.2597 of 2021.

2. This Court passed an order directing the respondents to consider the representation. However, the petitioner could not able to establish that the representation, dated 26.12.2020, was addressed to any one of the respondents in the Contempt proceedings. The copy of the representation dated 26.12.2020, is enclosed along with the typed set of papers filed in the contempt

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application, which reveals that the representation was addressed to the Hon'ble Chief Minister, Secretariat, Chennai-9. Such representation cannot provide a cause for initiation of contempt proceedings against the authorities, who are all not the addressees.

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3. Contempt proceedings can be initiated only if there is willful disobedience of the order. When there is no disobedience, no contempt needs to be initiated. When the representation itself is not addressed to the respondents, the Court cannot expect the respondents to comply with the order and therefore, the petitioner has not established that the respondents in the Contempt Application has committed a willful contempt warranting an action under the Contempt of Courts Act. Accordingly, the Contempt Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MPK

To

The Commissioner
Theni - Allinagaram Municipality,
Theni,
Theni District.

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16.02.2022

USK/02.03.2022/2P/2C