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L.P.A.No.3 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.03.2023

CORAM

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN
AND
THE HONOURABLE Mr.JUSTICE MOHAMMED SHAFFIQ

L.P.A.No.3 of 2023
and
C.M.P.Nos.4033 and 4036 of 2023

- 1.Union of India,
Government of Puducherry, Puducherry,
Represented by its Secretary (Home),
Rajeev Verma I.A.S.
- 2.The Union Territory of Puducherry,
Department of Revenue and Disaster Management,
Puducherry,
Represented by Special Secretary (Revenue), E.Vallavan I.A.S.
- 3.B.Ramakichenin @ Balagandhi,
The Director, Department of Agriculture & Farmers Welfare,
Government of Puducherry. ... Appellants

Vs.

- 1.S.Natarajan
- 2.R.Thirumavalavan ... Respondents

Appeal filed under Clause 15 of Letters Patent r/w Section 19(3) of Contempt of Courts Act, to set aside the order dated 10.02.2023 passed in Contempt Petition No.302 of 2023 and Sub Application No.87 of 2023.



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For Appellants : Mr.S.Ravee Kumar
Government Pleader (Pondicherry)

For Respondents : Mr.P.H.Aravind Pandian
Senior Advocate and

Mr.S.Ravi, Senior Advocate
For M/s.Preeti Mohan,
Nagesh Nakhul for R1 Caveator

JUDGMENT

[Judgment of the Court was made by R.MAHADEVAN, J.]

This Letters Patent Appeal is filed assailing the order dated 10.02.2023 passed by the learned Judge in Contempt Petition No.302 of 2023 and Sub Application No.87 of 2023. For the sake of convenience, the order impugned herein is reproduced below:

"Mr.R.Sreedhar, learned Additional Government Pleader, who is in court, accepts, notice on behalf of the respondent Nos.1 to 3.

2. Contempt is rife on the face of the order.

3. With this position, the respondents will ensure compliance of this order within a period of two weeks from today.

4. List on 24.02.2023 under the caption 'for reporting compliance.

5. In light of the aforesaid order, no orders are passed in the sub-application now."



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2.The learned Government Pleader (Pondicherry) appearing for the appellants submitted that WP.No.4722 of 2016 etc. cases filed by Pondicherry Non-Banking Investors Protection Association for PNL Nithi Limited, and others were disposed of, by the learned Judge (M.Govindaraj, J) by order dated 18.03.2021, though it was specifically submitted that necessary parties to the dispute including the Agricultural Department, have not been arrayed as respondents. Hence, seeking directions and clarifications of the said order, the second respondent herein, Assistant to the Administrator filed WMP.No.32638 of 2022 etc., batch, which were disposed of, by order dated 03.01.2023. In the mean while, the order of the learned Judge in WP.No.4722 of 2016 etc. batch was challenged in WA.No.1376 of 2022 etc, which were dismissed, by judgment dated 30.06.2022. While so, after a lapse of time, the first respondent herein preferred Cont.P.No.302 of 2023 for the alleged disobedience of the order dated 18.03.2021 passed by the learned Judge in WP.No.4722 of 2016 etc. However, on 10.02.2023, when the contempt petition was taken up for consideration, the learned Judge has erred in observing that the contempt is rife on the face of the order, which is under challenge in this appeal. According to the learned counsel, the copy of the order dated 03.01.2023 passed in WMP.No.32638 of 2022 etc. batch, came to be uploaded in the website only on 23.01.2023; the certified copy of the order has not yet been received by the appellants; before accruing a right



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to file an appeal within 30 days, the contempt petition for the alleged non-compliance of the order dated 03.01.2023, came to be filed and hence, the same is premature. It is also submitted that the order of the learned Judge involves more financial implications and the officers are answerable and accountable to Ministry of Home Affairs, more particularly, when a stand has been taken that the property had already vested with the Union, which was not a party to the writ petition or the miscellaneous petitions. Stating so, the learned counsel sought to protect the interest of the appellants.

3.On the above submissions, we have heard the learned senior counsel appearing for the first respondent, who submitted that the appellants, instead of approaching the learned Judge to ventilate their grievances with regard to the compliance of the orders passed in the writ proceedings, have filed this Letters Patent Appeal before this court, which is not maintainable.

4.Having regard to the facts and circumstances of the case coupled with the submissions of the learned counsel on either side, this Court is of the view that the appellants can very well raise all the submissions placed before this court, to the learned Judge along with their reply affidavit to the contempt petition for necessary orders.



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5. Therefore, leaving it open to the appellants to place all their submissions before the learned Judge, this appeal stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[R.M.D., J.] [M.S.Q., J.]
06.03.2023

Index: Yes/No
Speaking order/Non-speaking order
Neutral Citation: Yes / No.

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