



Cont.P.No.782 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Cont.P.No.782 of 2023

R.Kuppan

... Petitioner

Vs.

Mr.Srinivasan
The Zonal Officer,
Greater Chennai City Corporation,
Zone XIV, Puzhuthivakkam,
Chennai – 600 091.

... Respondent

Prayer: Petition filed under Section 11 of Contempt of Courts Act, to punish the Respondent for his wilful and intentional disobedience to the order passed by this Court in W.M.P.No.22122 of 2021 in W.P.No.20856 of 2021 dated 29.09.2021.

For Petitioner : M/s.G.Bala and Daisy

For Respondent : Mr.S.Silambannan
Additional Advocate General asst by
Mrs.K.Aswini Devi
Standing Counsel



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ORDER

The petitioner has filed this contempt petition, to punish the respondent for his wilful and intentional disobedience to the order passed by this Court in W.M.P.No.22122 of 2021 in W.P.No.20856 of 2021 dated 29.09.2021.

2.This contempt petition is against the interim order passed by this Court in W.P.No.20856 of 2021 dated 29.09.2021. The present contempt petition has been filed by the petitioner on 04.02.2023. Though the learned counsel for the petitioner would submit that the present contempt petition cannot be stated to be time barred in the light of the decision of this Court in the case of ***P.Rajan Vs. Poongothai, Joint Director of Health Services, Dindigul*** reported in (2023 (3) MLJ 577), it is noticed that the decision itself is based on the decision of the Hon'ble Supreme Court in the case of ***Pallav Sheth Vs. Custodian and others*** reported in (2001 (7) SCC 549).



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3.The Court has extracted the relevant passage from the aforesaid decision of the Hon'ble Supreme Court in Paragraph 38, which reads as under:

*“38.The Rules so framed by all the Courts in India do show that proceedings are initiated inter alia with the filing of an application or a petition in that behalf. **If, however, proceedings are not initiated by filing of an application within a period of one year from the date on which the contempt is alleged to have been committed then the Court shall not have jurisdiction to punish for contempt.** If, on the other hand, proceedings are properly initiated by the filing of an application, in the case of civil contempt like the present before the Court within the period of limitation then the provisions of Section 20 will not stand in the way of the Court exercising its jurisdiction.*

4.Reading of the above passage indicates that the contempt petition which has been filed by the petitioner itself beyond limitation prescribed under the Contempt of Courts Act, 1971. Therefore, this contempt petition is liable to be dismissed.



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5.Accordingly, this Contempt Petition is closed.

04.07.2023

Index : Yes/ No
Speaking/Non-Speaking Order
Neutral Citation:Yes/No
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To

Mr.Srinivasan
The Zonal Officer,
Greater Chennai City Corporation,
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C.SARAVANAN, J.

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