



Cont. Ptn. No.1484/2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 01.12.2023

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CONT. PETITION NO.1484 OF 2023

1. Tamilselvi R
2. Malathi R
3. Priya R
4. Nagarajan R

.. Petitioners

- Vs -

R.Manisekar
Tahsildar
Madhavaram Taluk Office
Madhavaram, Chennai.

.. Respondent

Contempt Petition filed u/s 11 of the Contempt of Courts Act praying this Court to punish the respondent for disobeying the order passed in W.P. No.14287 of 2022 dated 22.6.2022.

For Petitioners : Mr. B.Govindprabhu

For Respondent : Mr. P.S.Raman, SC,
Assisted by Mr. B.Vijay, AGP

ORDER



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No.14287 of 2022 dated 22.6.2022, by the respondent/contemnor, the present petition has been moved by the petitioners.

2. This Court, vide order dated 22.6.2022, in W.P. No.14287/2022, had directed the petitioners to return the compensation amount of Rs.7,02,314/- to the respondent along with interest at 6% per annum from 15.06.2005 till the date of payment within a period of twelve weeks from the date of receipt of a copy of the order and upon receipt of the said amount, the respondent was directed to mutate the revenue records in the name of the petitioners within a period of four weeks thereafter.

3. The abovesaid order had come to be passed on the submission made by the learned Special Government Pleader that the acquisition proceedings stood quashed by the Apex Court, but before that the compensation amount was paid and, therefore, on repayment of compensation amount along with interest, the revenue records would be mutated in favour of the petitioners.



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4. Pursuant to the said direction, it is averred by the petitioners that representation dated 12.08.2022 was submitted to the respondent to intimate the amount that is to be repaid for which no reply was given by the respondent. Thereafter, the petitioners sent a demand draft bearing No.571759 dated 1.2.2023 for a sum of Ras.14,21,567/- (Rupees Fourteen Lakhs Twenty One Thousand Five Hundred and Sixty Seven only), drawn on City Union Bank, Vinayagapuram Branch to the District Collector, Tiruvallur District, but till date the revenue records were not mutated in the name of the petitioners and no reply was forth coming from the respondent. In the said backdrop, the present contempt petition has been filed.

5. The matter was listed on various dates prior to 21.7.2023 and in the absence of any compliance of the order, on 21.7.2023 this Court issued statutory notice for the appearance of the respondent, with liberty that in case of compliance of the said order, the respondent's presence would stand dispensed with. Pursuant to the said statutory notice, the contemnor appeared before this Court on 18.8.2023 and submitted that the order passed by this Court would be complied with on or before 25.08.2023 and, therefore,



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for reporting compliance, the matter was listed on 25.8.2023 and the presence of the respondent/contemnor was dispensed with.

6. However, even after the said undertaking, the revenue records were not mutated and when the matter came up on 26.9.2023, it was submitted on behalf of the respondent that the entire amount has been paid by the petitioners, but it was pursuant to the orders in the W.A. SR No.120295/2023 preferred by the respondent. However, it was fairly submitted that the revenue records would be mutated in the name of the petitioners, which shall be subject to the result of the pending writ appeal. Therefore, this Court, recording the said submission, directed the respondent to mutate the revenue records in favour of the petitioners and listed the matter for reporting compliance on 29.09.2023.

7. Thereafter, the matter was listed on various dates, but the order passed by this Court was not complied with inspite of the fact that pursuant to the order passed by the Division Bench in the writ appeal preferred by the respondent, the balance amount of Rs.23,682/- has been paid by the



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petitioners and that the entire amount, which is due and receivable by the respondent has been paid back by the petitioners.

8. When the matter was listed on 10.11.2023, learned Addl. Advocate General appearing for the respondent submitted that inspite of the fact that the petitioners have paid the entire amount and that he himself had issued necessary instructions to the respondent to mutate the revenue records, yet the respondent had not complied with the order and mutated the revenue records in favour of the petitioners and, therefore, this Court may direct appearance of the respondent before this Court, whereupon, this Court, after recording the aforesaid statement, directed appearance of the respondent before this Court on 17.11.2023.

9. Once again, on 17.11.2023, when the matter was taken up, the respondent Tahsildar appeared before this Court and submitted that he will mutate the revenue records in favour of the petitioners on or before 24.11.2023 and this Court, while recording the said undertaking directed the



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respondent and in case of non-compliance, the respondent shall appear before this Court on 24.11.2023.

10. However, when the matter was taken up on 24.11.2023, Mr.J.Ravindran, learned Addl. Advocate General appearing for the respondent submitted that inspite of the specific directions of this Court, the respondent has not complied with the said order. In view of the persistent and lethargic attitude of the respondent and the fact that the respondent had shown scant respect for the orders of this Court, this Court directed issuance of non-bailable warrant for the production of the respondent before this Court on 01.12.2023.

11. In execution of the non-bailable warrant, the respondent is produced before this Court by the law enforcing agency.

12. Learned senior counsel, assisted by the learned Addl. Government Pleader, appearing for the respondent submits that the order passed by this Court has been complied with and the revenue records have been mutated in



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favour of the petitioners and prayed that this Court may show leniency towards the respondent.

13. Learned counsel appearing for the petitioners fairly submits that the revenue records have been mutated in their favour.

14. This Court gave its careful consideration to the submissions advanced on behalf of the parties and perused the materials available on record.

15. The order in the writ petition had come to be passed on 22.06.2022, wherein direction was given to the petitioners to repay the amount along with interest and upon receipt of the amount, the respondent was directed to mutate the revenue records in favour of the petitioners. It is the specific case of the petitioners that inspite of their representation to the respondent to spell out the amount to be repaid, the respondent had kept silent and had not given any reply, whereinafter the petitioners computed the amount and by way of a demand draft, paid a sum of Rs.14, 21,567/- on



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1.2.2023. the said factum is not controverted by the respondent. Further, upon the respondent preferring appeal against the order in the writ petition, a further sum, which is said to be the shortfall, to the tune of Rs.23,682/- has been deposited by the petitioners and it was submitted by the learned Addl. Advocate General that the petitioners have paid the entire amount and that there is no impediment for mutating the revenue records. The said statement was made before this Court on 10.11.2023.

16. However, even before that, upon issuance of statutory notice, the respondent appeared before this Court and undertook to comply with the order on or before 25.8.2023 and recording the said undertaking, this Court directed compliance of the order and also dispensed with the appearance of the respondent. However, without complying with the order passed in the writ petition, since 18.8.2023, when the respondent appeared before this Court for the first time, almost the respondent has dragged the matter for more than three months without complying with the said orders, but all along submitting and undertaking before this Court that he will comply with the orders. The said act of the respondent is nothing but a fraudulent act, aimed



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at enlisting the sympathy of this Court through his crocodile tears, while at the same time, turning back and smiling that he had taken this Court for a ride without respecting the order passed by this Court.

17. Time, over and above what is granted in an order, is granted to the authority to comply with the order, so that the administrative intricacies that stand in the way of the authorities in complying with the order in time, do not result in attracting an act of contempt by the said authorities. But it should not be lost sight of that the benevolent gesture of the Court in granting further time is for the authorities to show their bona fides and comply with the order as undertaken by them before this Court, when a statutory notice is issued. Gaining such an order, the authorities are bound to respect and comply with the order of this Court, which is on the basis of the sympathies extended by this Court and any turn back in their stand or non-compliance of the order is nothing but a stark disrespect committed to the order of this Court and, in turn, is a direct affront to the honour and respectability of the order of this Court. In such a situations, definitely this Court has to rise to the occasion and wield its power of contempt, which alone would restore the



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honour and respectability of this Court from the hands of such unscrupulous authorities.

18. The case on hand is one such case in which the respondent, inspite of the repeated undertakings given before this Court, once on 18.08.2023 and, thereafter, on 17.11.2023, yet failed to comply with the undertaking before this Court by mutating the revenue records. In fact, the respondent had the temerity to give such an undertaking before this Court and walk scot-free from this Court, while this Court, all along, in its benevolence, had granted time to the respondent to comply with its order, which time, had been gained by the respondent not to comply with the order, but to only wriggle out from the presence of this Court.

19. In fact, the statement of the learned Addl. Advocate General before this Court, which has been recorded in the order of this Court dated 10.11.2023 speaks volumes about the attitude of the respondent and the scant disregard and disrespect he has shown to the orders of this Court. The



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said portion of the statement of the learned Addl. Advocate General is quoted hereunder :-

".... pursuant to which the petitioners paid the balance amount of Rs.23,682/- and further submitted that he himself issued instructions to the respondent to mutate the revenue records, even then, the respondent has not mutated the revenue records in favour of the petitioners and further submitted that this Court may direct the respondent to appear before this Court."

20. In view of the aforesaid submission, once again, this Court directed the appearance of the respondent on 17.11.2023 and on that day, the respondent was present and undertook to mutate the revenue records before 24.11.2023, and recording the undertaking, direction was issued that failing compliance, the respondent shall appear before this Court on 24.11.2023. However, without complying with the said undertaking, the respondent did not appear before this Court on 24.11.2023, which clearly shows that conduct of the respondent and his continuous disrespect to the dignity of the Court. The conduct of the respondent really requires a drastic action by this Court to invoke its power to punish for contempt, including imprisonment.



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21. However, learned senior counsel appearing for the respondent submitted that the respondent had complied with the orders of this Court passed in the writ petition and the benevolence, which has all along been granted to the respondent, be extended and some leniency may be shown and he may be discharged from the contempt proceedings.

22. Though this Court was bent upon invoking its contempt jurisdiction and punishing the respondent for wilful contempt, including imposing imprisonment on the respondent, however, considering the fact that the respondent had complied with the order only after issuance of NBW, though belatedly and after misusing the opportunities granted by this Court, which is a clear disrespect to the orders of this Court, to render substantial justice and at the same time, to teach the respondent a lesson that the dignity of the Court should be safeguarded and not taken for a ride, as the Constitutional Court is a Court of the people and disrespecting the Court is a direct disrespect to the citizens of this country, this Court is of the considered view



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that in lieu of imprisonment, as pleaded by the learned senior counsel, cost could be imposed on the respondent.

23. In such view of the matter, while recording the fact that the order in W.P. No.14287 of 2022 has been complied with this contempt petition is closed. However, for the wilful default and disobedience caused to the orders of this Court, this Court imposes a fine of Rs.25,000/- (Rupees Twenty Five Thousand only), which shall be recovered from the respondent by the jurisdictional District Collector, viz., District Collector, Tiruvallur, and the same shall be remitted to the credit of the Dean, Government Cancer Hospital, Kancheepuram, within a period of four weeks from the date of receipt of a copy of this order and compliance of the recovery shall be intimated to the Registry, which compliance shall form part of the records. The warrant issued against the respondent stands recalled.

24. The contempt petition is closed with the aforesaid observations and directions. **Registry is directed to mark a copy of this order to the**



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**District Collector, Tiruvallur and also the Dean, Government Cancer
Hospital, Kancheepuram.**

01.12.2023

Index : Yes / No

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Note to Office :

**Issue Order copy
on 22.12.2023**



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To

1. The District Collector

Kancheepuram.

2. The Dean

Government Cancer Hospital

Kancheepuram.



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M.DHANDAPANI, J.

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