



Cont.P.No.16 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2023

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

Cont.P.No.16 of 2023

G.M.Dhatchinamoorthy

...Petitioner

Vs.

Thiru.J.Kumaragurubaren
The Commissioner,
Hindu Religious & Charitable Endowments
Department, No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 600 034.

...Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the Respondents for their act of committing Contempt of Court by disobeying the order of this Court dated 29.04.2021 made in W.P.No.10848 of 2021.

For Petitioner : Ms.V.S.Usharani
For Respondents : Mr.M.Bindran
Additional Government Pleader

ORDER

This Contempt Petition is misconceived. The order as against which contempt is alleged is dated 29.04.2021 and reads thus:



Mr.R.Venkatesh, learned Government Advocate accepts notice for the respondents and has been served with a copy of the Writ Petition and its annexures and is ready to proceed with the matter finally, even at the stage of admission. Hence, by consent of both sides, this Writ Petition is disposed finally, even at this stage.

2. The limited prayer in this Writ Petition is for a mandamus directing the first respondent to conduct due enquiry and dispose the representation of the petitioner, dated 12.2.2021. At first blush, I would think that this Writ Petition is pre-mature, since the petitioner has rushed to Court within two months of filing the representation.

3. However, Mr.Venkatesh would confirm that the representation is, indeed, pending and that the same would be disposed after hearing the petitioner as well as any other parties who may be appropriate in this regard within a period of six (6) weeks from today.

4. This is recorded. The hearing will be conducted, either virtually or by way of physical hearing, as may be mutually convenient to the parties and bearing in mind the Standard Operating Procedures that are in force at the relevant point of time.

5. This Writ Petition is disposed. No costs.

2. The present Contempt Petition alleges contempt on the ground that the Fit Person, who is arrayed as R2 in the Writ Petition, was not the competent authority to implement order dated 29.04.2021.

3. This submission cannot be accepted for several reasons. Firstly, the Fit Person is arrayed as R2 and the order of this Court does not direct any specific respondent to dispose the representation. Thus, it is perfectly in order for the Fit Person to have taken the matter up for consideration.

4. Secondly, the petitioner has, admittedly, received a notice from the



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Fit Person and also appeared before him pursuant to that notice. Thus, he had participated in the proceedings thereafter. When the order has been passed by the Fit Person and served upon the petitioner, it has been returned as refused. The original returned cover with the postal endorsement '*Refused Return to the sender on 23.12.2022*' is produced by the learned counsel for the respondent before this Court.

5. This Court does not appreciate the manner in which the petitioner has addressed the issues. Even at the original instance, the petitioner had rushed to Court within two months of filing the representation before the respondents and this aspect of the matter figures in order dated 29.04.2021. Notwithstanding that and based on the acquiescence of the then Government Advocate that the representation would be disposed, the petitioner received the benefit of order dated 29.04.2021.

6. In such circumstances, I reiterate that the Contempt Petition is wholly misconceived and dismiss the same. No costs.

02.02.2023

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Index : Yes/No

Speaking Order/Non speaking Order

Neutral Citation : Yes/No



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Dr.ANITA SUMANTH,J.

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