



Cont. P.(MD) No.377 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

Cont. P. (MD) No.377 of 2023
in C.M.P. (MD) No.6872 of 2022
in W.A. (MD) No.817 of 2022

N.Gunasekaran

... Petitioner / Petitioner

Vs.

Mrs.Sasikala,

The District Registrar (Societies),

Office of the District Registrar (Societies),

No.1, Katcheri Road,

Virudhunagar Town & District.

... Contemnor/2nd Respondent

PRAYER: Petition filed under Section 11 of the Contempt of Court Act, 1971, praying to punish the respondent herein for her wilful disobedience of the interim order of status quo passed by this Hon'ble Court made in C.M.P. (MD) No.6872 of 2022 in W.A. (MD) No.817 of 2022 dated 24.08.2022.

For Petitioner : Mr.M.Thirunavukkarasu



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For Respondent : Mr.M.Prakash
Additional Government Pleader

ORDER

(Order of the Court was made by **R.SURESH KUMAR, J.**)

This Contempt Petition has been filed for the alleged disobedience of the order passed by the Division Bench of this Court dated 24.08.2022, made in C.M.P. (MD) No.6872 of 2022 in W.A. (MD) No.817 of 2022.

2. By an interim order passed by the Division Bench of this Court on the said date, *status quo* as on 04.07.2022 i.e. date on which the learned Single Judge passed a common order, which is impugned in the batch of Writ Appeals, was directed to be maintained.

3. Subsequently, it seems that the petitioner group filed Form-VII Application before the respondent Registrar, which has been returned by the communication of the Registrar dated 31.10.2022, stating that the High Court passed an order, that is the Division Bench order that, the status quo as on 04.07.2022 shall be maintained and accordingly the Form-VII Application cannot be accepted and therefore, it was returned.



4. However, the District Registrar's Office in a RTI query made by the petitioner had replied by communication dated 22.11.2022, stating that, the other group who also filed the Form-VII Application on 19.10.2022 was received and an acknowledgment by way of receipt has been given to them and the said Form-VII Application has been kept pending without taking any decision.

5. When the treatment meted out by the petitioner group and the other group having been compared, it is the complaint of the petitioner side that, in respect of the Form-VII Application submitted by the petitioner group, it has been returned by citing the interim order passed by this Court, whereas the Form-VII Application submitted by the rival group is concerned, that has been received and kept pending and therefore, it is a violation and on that ground the Contempt Petition has been moved.

6. Mr.M.Prakash, learned Additional Government Pleader appearing for the respondent would submit that, by receipt of Form-VII Application and kept it pending does not mean that the respondent has violated the orders of this Court and therefore, there is no question of any



violation of the orders and this Contempt Petition cannot be moved by the petitioner, hence, he seeks indulgence of this Court.

7. We have considered the said submissions made by both sides.

8. No doubt, in respect of the Form-VII Application submitted by the petitioner group, by citing the interim order of status-quo, the same has been returned to the petitioner group, whereas the other group when they filed the Form-VII Application, that has been received and kept pending and in our considered view the Form VII Application submitted by the other group also ought to have been returned in the manner it was acted upon in respect of the Form-VII Application submitted by the petitioner group.

9. The learned Additional Government Pleader appearing for the respondent also was of the view that the respondent ought to have returned the Form-VII Application submitted by the other group also to maintain parity.



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10. In view of the same, there shall be a direction to the respondent to return the Form-VII application received from the group other than the petitioner group dated 19.05.2022 by citing the reason that there has been interim order of status quo already granted by this Court is subsisting till the disposal of the Writ Appeals. The aforesaid shall be complied with by the respondent within a period of one week from the date of receipt of a copy of this order. We feel that, with this order, the Contempt Petition can be closed, accordingly it is closed.

(R.S.K., J.) & (S.S.Y, J.)
18.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
SJ

To

Mrs.Sasikala,
The District Registrar (Societies),
Office of the District Registrar (Societies),
No.1, Katcheri Road,
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