



CONT.P. (MD)No.597 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **31.08.2023**

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

CONT.P.(MD)No.597 of 2021

and Sub.Application (MD)No.234 of 2023

A.K.Akilandeswar

...Petitioner/Writ Petitioner

Vs.

1. Thiru.Vikram Kapur, I.A.S.,
The Secretary to Government of Tamil Nadu,
Tourism, Culture and Religious Endowments Department,
Secretariat, St. Fort George,
Chennai – 600 009.

2. Thiru. Dr.S. Prabhakar I.A.S.,
The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Thousand Lights West, Nungambakkam,
Chennai – 600 034.

3. Thiru. G. Thennarasu,
The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Thanjavur.

4. Thiru. N. Dhanapal,
The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Sivagangai.



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5. Thiru.T.Sivalingam,
The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Paramakudi,
Ramanathapuram District.

6. Thiru.R.Thiruppathi Venkatasamy,
The Principal Accountant General
(Accounts and Entitlements) Tamil Nadu,
361, Anna Salai,
Chennai – 600 018.

... Contemnors/Respondents

Prayer: Contempt Petition is filed under Section 11 of the Contempt of Courts Act to punish the respondents/contemnors for willful disobedience to the orders of this Hon'ble Court dated 03.10.2019 in W.P.(MD). No.12413 of 2019.

For Petitioner	:	Mr.S.Manikandan
For R1 & R2	:	Mr.Veerakathiravan Senior Counsel for Mr.P.Subbaraj
For R3	:	Mr.V.Chandrasekar
For R4	:	Mr.C.Guhaseelarupan
For R5	:	Mr.Ramesh Mahadev
For R6	:	Mr.P.Gunasekaran

ORDER

This Contempt Petition has been filed complaining the willful disobedience in implementation of the order dated 03.10.2019 in W.P(MD)No.12413 of 2019 passed by this Court.



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2. While allowing the Writ Petition, this Court quashed the order dated 17.05.2016 and G.O.Ms.No.53, Tourism, Culture and Religious Endowments (A/Ni.2-1) Department dated 24.04.2019 and directed the respondents to pay the eligible terminal benefits to the petitioner within a period of eight weeks from the date of receipt of copy of the order. Complaining that the said order has not been complied, the present Contempt Petition has been filed.

3. The respondents 3, 5 and 6 filed their counter affidavits. On behalf of the respondent No.1, 2 and 4, counter affidavits have not been filed.

4. On hearing both sides and on perusing the entire record, this Court came to *prima facie* opinion that the respondents 1 to 5 have willfully disobeyed the order of the Court dated 03.10.2019 and ordered to issue Statutory Notice seeking personal appearance of the respondents 1 to 5 before this Court.



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5. Today, in compliance of Statutory Notice, the respondents 1, 2, 4 and 5 are present before this Court.

6. During the course of hearing, Mr.Veerakathiravan, learned Senior Counsel submits that the order of the Court is complied with by settling the monetary benefits to the petitioner from 07.10.2022 to 28.07.2023 and as of now, the entire benefits, for which the petitioner is eligible, are paid.

7. The learned Senior Counsel fairly submitted that admittedly, there is some delay in compliance of the order and requested the Court to show some lenient view towards the respondents for the delay caused in implementation of the order.

8. The learned counsel for the petitioner also endorsed the fact that the petitioner has received the entire monetary benefits for which she is entitled.



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9. Having heard the submissions of the learned counsel appearing on either side and in view of the facts and circumstances of the case, in the considered opinion of this Court, the respondents have committed contempt willfully by not implementing the order of the court in true letter and spirit.

10. However, considering the unconditional apology tendered by the respondents, who are present before this Court and the request of the learned Senior Counsel appearing on behalf of the respondents and in view of the fact that the order of the Court is complied with as of now though there is some delay, this Court intends to take lenient view towards the respondents. Accordingly, this Court, accepting the unconditional apology tendered by the respondents, treated it as *bonafide*.

11. Accordingly, this Contempt Petition is closed with a warning to the respondents to be more careful and conscious in



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implementing the orders of the Court in true letter and spirit in future.

12. Consequently, as the first respondent appeared before this Court today, Sub Application(MD)No.234 of 2023 has become infructuous.

13. Accordingly, Sub Application(MD)No.234 of 2023 is dismissed as infructuous.

31.08.2023

Index : Yes / No
NCC : Yes / No
CM



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BATTU DEVANAND, J.

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