



Cont.P(MD)No.495 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

Cont.P(MD)No.495 of 2023

Tamilmaran

... Petitioner/Appellant

-VS-

Thiru.M.Senthil Murugan,
Commisisoner,
Kumbakonam Municipal Corporation,
Kumbakonam.

... Contemnor/2nd Respondent

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent for the willful and wanton disobedience and violation of the order passed by this Court dated 07.03.2023 made in C.M.P(MD)No.2633 of 2023 in W.A(MD)No.216 of 2023.

For Petitioner : Mr.Elephant G.Rajendran

For Respondent : Mr.Veera Kathiravan,
Additional Advocate General, assisted by
Mr.M.Rajarajan,
Standing Counsel

ORDER



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[Order of the Court was made by R.SUBRAMANIAN, J.]

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Complaining violation of the orders of this Court, dated 07.03.2023 made in C.M.P(MD)No.2633 of 2023 in W.A(MD)No.216 of 2023, the petitioner has filed this contempt petition.

2. On 28.03.2023, we had passed the following order.

“The photograph produced by the appellant shows that the Commissioner, Kumbakonam Municipality, has used a car with a beacon light without a number plate on 10.03.2023.

2. The Commissioner, Kumbakonam Municipality, is required to file an affidavit explaining his conduct of using a car with a beacon light without a number plate. Such an affidavit shall be filed by the Commissioner, Kumbakonam Municipality, himself by 11.04.2023.

3. We have restrained the respondent - Municipal Corporation from putting up any construction over the property in question, by our order, dated 07.03.2023.

4. It is the complaint of the respondents that the appellant is now trying to put up construction. Hence, the appellant also



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shall not put up any further construction over the property in question.”

3. In response, the Commissioner, Kumbakonam Municipality, has filed an affidavit. Paragraph No.4 of the affidavit reads as follows:

“4.I beg to submit that the beacon light on the top of the vehicle of Commissioner, Kumbakonam Municipal Corporation was fixed, by following the G.O.Ms.No.826, Home(Transport-V) dated 15.11.2014. The vehicle in which the then Commissioner, Kumbakonam Municipal Corporation was travelling on the said day is a new vehicle belonging to the Kumbakonam Municipal Corporation, issued with a temporary certificate of registration. Therefore, a sheet with a Temporary number was affixed in place of a permanent number plate. On 10.03.2023, the corporation officials informed the then Commissioner, that the appellant and his party were encroaching on the valuable land belonging to the kumbakonam Municipal Corporation, therefore, the then Commissioner, Kumbakonam Municipal Corporation in order to prevent such encroachment, went to the said place in the said vehicle in a hurry. Unfortunately, the temporary number sheet affixed to the vehicle flew away due to heavy wind and inadvertently the same was not noticed by the driver of the said vehicle. Thereafter, without noticing the said mistake,



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the then Commissioner proceeded with his official duty in the said vehicle, and at that time, the said photograph might have been taken.”

4. Reliance placed on G.O.Ms.826, Home (Transport - V) dated 15.11.2014, is ill-conceived. The Central Motor Vehicle Rules, 1989, particularly, Clause (iii) of Sub-Rule 1 of Rule 108 which permitted to use red or blue beacon lights on the cars of V.V.I.Ps and V.I.Ps, was deleted by an amendment on 01.05.2017.

5. It is common knowledge that none of the high dignitaries including Ministers are using of beacon light on their cars since the omission of Clause (iii) of Sub-Rule 1 of Rule 108 of Central Motor Vehicle Rules even in the year 2017. Even the judges of the High Court, Judges of the Hon'ble Supreme Court, State Cabinet Ministers and Central Cabinet Ministers had removed the beacon lights from their cars.

6. The attempted justification made by the then Commissioner Kumbakonam Municipal Corporation, does not appeal to us. We see it as an intentional attempt to mislead us. Hence, without touching upon the merits of the appeal filed by Mr.Tamilmaran, for the conduct in using a car with beacon



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light when there is a total prohibition and attempting to justify such usage of beacon light by relying upon a stale Government Order, we impose costs of Rs.25,000/-(Rupees Twenty Five Thousand Only) on Mr.Senthil Murugan, the then Commissioner, Kumbakonam Municipal Corporation, now Assistant Commissioner at Tambaram Municipal Corporation. Costs shall be paid to the Chief Justice Relief Fund within ten days from today. We reject the unconditional apology tendered by the Commissioner since we find that it is an afterthought. Infliction of costs shall be noted in the service register of the Commissioner. This, however, shall not be treated as a punishment imposed by this Court.

7. Since the main writ appeal itself is dismissed, this Contempt Petition stands closed.

[R.S.M., J.]

[L.V.G., J.]

26.06.2023

NCC : Yes/No
Index : Yes/No
PM

To:

The Commisisoner,



Kumbakonam Municipal Corporation,
Kumbakonam.

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and
L.VICTORIA GOWRI, J.

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