



Suo Motu Cont.P.(MD) No.929 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2023

CORAM:

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

Suo Motu Cont.P.(MD) No.929 of 2023
in
W.P.(MD) No.6061 of 2023

The Registrar (Judicial)
Madurai Bench of Madras High Court
Madurai

... Petitioner

-VS-

1.K.V.Muralidharan
Commissioner
HR & CE Department
Chennai

2.Chelladurai
Joint Commissioner
Madurai

... Respondents

PRAYER: Contempt Petition is filed under Section 14 of the Contempt of Courts Act read with Article 215 of the Constitution of India praying to punish the respondents for their willful and deliberate breach of the statement made before this Court and thereby interfering with the course of justice.



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For Petitioner : Mr.N.Tamilmani
For Respondents : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.P.Subbaraj
Special Government Pleader for R1

ORDER

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

The contemnors are present before this Court.

2. Notice of *suo motu* contempt was issued against the contemnors, since it was found that the learned Special Government Pleader, was instructed to make a wrong statement before the Division Bench of this Court on 10.01.2017, when W.A.(MD) No.18 of 2017 came up for hearing, to the effect that the H.R. & C.E. Department has not approved any Committee of members to celebrate pongal festival on behalf of the temple and the Division Bench had, on the basis of the said statement, closed the said writ appeal. The fact that the said instructions were wrong is evidenced by the proceedings of the Joint Commissioner, H.R. & C.E. Department, Madurai, dated 22.03.2017 i.e. within three months from the date of the order passed by the Division Bench, 11.12.2018, 20.12.2021 and 03.01.2023. All these



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proceedings reveal that Committees were constituted by the Joint Commissioner, H.R. & C.E. Department, Madurai, for conduct of Panguni Festival in Arulmigu Muniyandi Swami Vagayara Temples.

3. Mr.V.R.Shanmuganathan, the then Special Government Pleader, would submit that he had made the statement to that effect on the instructions of the executive-officer of the said Temple. He would also point out that written instructions to that effect were also produced before the Honourable Single Judge, when W.P.(MD) No.77 of 2017 was heard. We, therefore, accept the statement of the then Special Government Pleader. We also make it clear that notice was issued to the then Special Government Pleader only to be present to disclose the identity of the person, who had given him instructions to make such a representation and the description of him as a contemnor in the cause list is an error.

4. The Commissioner, H.R. & C.E. Department, who is present in Court, has filed a status report along with the documents, which shows that some serious action has been taken to stop such Committees being constituted by the Department in future. The typed set of papers filed by the Commissioner, H.R. & C.E. Department, shows that he has issued a circular



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on 25.05.2023 instructing all the Joint Commissioners, Assistant Commissioners, Executive Officers and other Officers, informing them that such Committees should not be constituted in future, since the Act does not contemplate or vest any power with the Department to constitute such festival Committees. Show cause notices have also been issued to the individual officers, who have indulged in the practice of constituting Committees for conduct of festivals.

5. Recording the action taken by the Commissioner, H.R. & C.E. Department, we drop further proceedings in this *suo motu* contempt petition and close the same. We make it clear that any recurrence of such extra-official functions by the officials of the H.R. & C.E. Department will be viewed very seriously.

[R.S.M., J.]

[L.V.G., J.]

05.06.2023

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

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To:

1.Mr.K.V.Muralidharan,
Commissioner,
HR & CE Department,
Chennai.

2.Mr.Chelladurai,
Joint Commissioner,
HR & CE Department,
Madurai.



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