



Cont.P(MD)No.939 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Cont.P(MD)No.939 of 2023

Stephen

... Petitioner

Vs.

1.P.N.Sridhar,
The District Collector,
Kanyakumari District
At Nagercoil.

2.D.N.Hari Kiran Prasad,
The Superintendent of Police,
Kanyakumari District, At Nagercoil.

3.H.R.Koushik,
The Revenue Divisional Officer,
Padmanabhapuram,
Tuckaley, Kanyakumari District.

4.Ebi Solomn

... Respondents

Prayer : Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the contemnor / respondent for his contempt of Court on his violation of the valuable orders passed by this Court made in W.P.(MD)No. 16435 of 2022 dated 21.12.2022.



Cont.P(MD)No.939 of 2023

For Petitioner : Mr.Ananth C.Rajesh

For Respondents : Mr.D.Farjana Ghoushia
Special Government Pleader
for R.1 to R.3

Mr.Punitha Deva Kumar for R.4

ORDER

This Contempt petition is dismissed consequent to an order of the learned Single Judge in W.P.(MD)No.16435 of 2022 dated 21.12.2022 (Stephen Vs District Collector, Kanyakumari District and four others). The relief sought in that particular writ petition was for a mandamus, forbearing the official respondents namely the District Collector, Kanyakumari, Superintendent of Police, Kanyakumari and Revenue Divisional Officer, Padmanabhapuram in Kanyakumari District, granting any permission for starting a church at D.No. 24/45-1 in S.No.391/14, Kaliyakavilai Village, Vilavancode Taluk, Kanyakumari District, by the fourth and fifth respondents therein. The petitioner had given a representation dated 06.07.2022. By an order dated 21.12.2022, the writ petition was dismissed. However, learned single judge had also remarked as follows:



Cont.P(MD)No.939 of 2023

"6.In view of the above, the present Writ Petition is dismissed.

However, the respondents 1 to 3, at any point of time, in future, whenever a complaint is received on bonafide reasons stating that respondents 4 and 5 are causing disturbance to general public, shall proceed by holding an enquiry after adhering to the principles of natural justice. Consequently, connected miscellaneous petitions are closed. No costs. "

2. The Contempt has been filed on the basis that the petitioner had given an another petition which had been rejected by the respondents. The respondents have every right to either to pass an order affirming the contentions of the petitioner or rejecting the contentions of the petitioner herein. But contempt will not lie. The contempt will lie only when there was willful disobedience of the order of the Court. The writ petition filed by the petitioner has been dismissed and the liberty given to the petitioner was that if a further complaint is received on 'bonafide reasons', an enquiry should be conducted and thereafter orders should be passed. It is not known whether the petitioner had given further 'bonafide reasons' in his further representation. That does not give a cause for initiating any contempt petition as against the respondent herein.



Cont.P(MD)No.939 of 2023

WEB COPY

3. This Contempt petition stands dismissed. No costs.

02.06.2023

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

pnn

To

- 1.The District Collector,
Kanyakumari District
At Nagercoil.
- 2.The Superintendent of Police,
Kanyakumari District, At Nagercoil.
- 3.The Revenue Divisional Officer,
Padmanabhapuram,
Tuckaley, Kanyakumari District.



WEB COPY



Cont.P(MD)No.939 of 2023

C.V.KARTHIKEYAN, J.

pnn

Cont.P(MD)No.939 of 2023

02.06.2023