



Cont.P.(MD)No.1306 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Cont.P.(MD)No.1306 of 2019

M/s.T.Shanmugasundaram

... Petitioner

versus

Shri K.V.V.G.Diwakar, I.R.S.,
The Commissioner of Customs,
New Harbour Estate,
Tuticorin – 628 004.

... Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent/Contemnor wilful and wantonly disobeying the order of this Court passed in W.P.(MD)No. 9434 of 2016 dated 26.07.2018.

For Petitioner : Mr.B.Sathish Kumar

For Respondent : Mr.R.Nandha Kumar,
Standing Counsel for Customs



Cont.P.(MD)No.1306 of 2019

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ORDER

This Contempt Petition is filed alleging that the order of this Court dated 26.07.2018 passed in W.P.(MD)No.9434 of 2016 has not been complied with.

2. This Court, by order dated 26.07.2018, has disposed of the writ petition in the following terms:

“8. In view of setting aside the basic document namely show-cause notice, the subsequent order and the order passed in original are automatically stood vitiated.

9. In the result, the order in original No.C.No.VIII/13/22/2012-CHAL, (Vol.II) dated 28.04.2016 issued by the respondent is set aside. Accordingly, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed”.

3. The learned Standing Counsel appearing for the respondent, by referring to the counter affidavit filed by the respondent, submits that



Cont.P.(MD)No.1306 of 2019

as against the order of this Court dated 26.07.2018 passed in W.P. (MD)No.2043 of 2016, setting aside the show cause notice dated 11.11.2015 to the petitioner herein, the Department has already preferred an appeal before the Division Bench of this Court in W.A. (MD)No.1243 of 2019, wherein, the Division Bench of this Court has also granted an order of interim stay by order dated 19.11.2019.

4. In view of cognizance taken in the writ appeal in W.A. (MD)No.1243 of 2019, this Contempt Petition is closed with liberty to the petitioner to work out his remedy based on the orders of the Division Bench of this Court in the writ appeal.

03.11.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.



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Cont.P.(MD)No.1306 of 2019

B.PUGALENDHI, J.

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Cont.P.(MD)No.1306 of 2019

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