



Cont.P.(MD)No.10 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Cont.P.(MD)No.10 of 2023

Jenavi

... Petitioner

Vs.

Mr.Mohan Raj,
The Deputy Registrar cum Assistant
Director of Fisheries,
Nagercoil.

... Respondent

PRAYER: Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971 to punish the respondent / Contemnor for his willful disobedience of the order passed by this Court in W.P.(MD)No.4891 of 2019, dated 01.03.2019.



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For Petitioner : Mr.A.Balakrishnan
For Respondent : Mr.K.Balasubramani,
Spl. Government Pleader.

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The present Contempt Petition has been filed alleging non compliance of the order dated 01.03.2019, made in W.P.(MD)No.4891 of 2019.

2. According to the petitioner, this Court by order dated 01.03.2019, in W.P.(MD)No.4891 of 2019, directed the respondent herein to consider the dispute raised by the petitioner under Section 90 of Tamil Nadu Co-operative Societies Act, after conducting an enquiry and giving opportunity to all the concerned and pass final orders within a period of six weeks from the date of receipt of a copy of that order. However, till dated, the respondent has not been complied with the said order. Hence, the petitioner has filed this Contempt Petition.



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3. The learned Special Government Pleader appearing for the respondent submitted that the petitioner has suppressed the material facts. He further submitted that pursuant to the order passed by this Court dated 01.03.2019, in W.P.(MD)No.4891 of 2019, the respondent has issued notice under Section 90 of Tamil Nadu Co-operative Societies Act to the petitioner and others. As against the said notice, one Helanmary, who is the President of Fishing Women Co-operative Society has filed a writ petition in W.P.(MD)No. 13248 of 2019, in which the petitioner was impleaded as 5th respondent. This Court by order dated, 19.04.2021 allowed the said writ petition and directed the second respondent therein to proceed the matter afresh, if need arises. However, without challenging the said order, now the petitioner has filed the present contempt petition as against the earlier order passed by this Court dated 01.03.2019 in W.P.(MD)No.4891 of 2019. Therefore, this Contempt petition is liable to be dismissed.

4. On a perusal of the records, it is seen that notice under Section 90 of Tamil Nadu Co-operative Societies Act has been issued and the same was



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challenged before this Court in a writ petition in W.P.(MD)No.13248 of 2019 and the said writ petition was allowed, in which the petitioner was impleaded as 5th respondent. In the said writ petition also, the learned counsel for the petitioner was represented on behalf of the 5th respondent. However, without disclosing the said fact, now the petitioner has filed the present contempt petition against the order passed by this Court in W.P.(MD)No.4891 of 2019, dated 01.03.2019, after a period of four years, which is contrary to the limitation period under the Contempt of Courts Act. Therefore, we are of the view that this Contempt petition is totally misconceived and the same is liable to be dismissed with costs.

5. Accordingly, this Contempt petition is dismissed with costs of Rs. 2,000/-. The costs will be paid to the Advocates Clerk Association, Madurai Bench of Madras High Court, Madurai. Proof of cost shall be filed.

[D.K.K., J.] [R.V., J.]

vsm

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NCC : Yes / No

Index : Yes / No

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To

The Deputy Registrar cum Assistant
Director of Fisheries,
Nagercoil.



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D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

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