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Suo motu Cont.P.No.827 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 28.03.2024

PRONOUNCED ON : 03.06.2024

C O R A M :

The Hon'ble Mrs. Justice J. NISHA BANU

Suo Motu Contempt Petition No.827 of 2024

High Court of Madras
Madras-600 104

..Petitioner

.. Vs ..

1.The Commissioner of Police

Greater Chennai

Commissioner Office Building

E.V.K.Sampath Road

Vepery, Chennai-600 007

2.The Inspector of Police

G3-Kilpauk Police Station

Poonamallee High Road

Kilpauk, Chennai-600 010.

..Respondents

PRAYER : Suo Motu Contempt Proceedings initiated against the contemnors as per the order of this court dated 22.02.2024 made in W.P.No.10512 of 2018 and W.M.P.No.12478 and 12479 of 2018.



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For Petitioner : Mr.J.Chandran Sundar Sashikumar

For respondents : Mr.Hasan Mohamed Jinnah,
Public Prosecutor.

ORDER

This Suo motu contempt proceedings has been initiated by the learned Judge Krishnan Ramasamy, J., taking note of the News item published in 'The New Indian Express' dated 14.07.2022, on the ground that the directions passed by this court dated 22.02.2024 in W.P.No.10512 of 2018 has not been complied with, but on the contrary, the police authorities are interfering with the business activities of the eatery shops/hotels/restaurants and forcing them to close after 11 p.m., and thereby, committing contempt of court.

2. The learned Judge directed the Registry to number the present Suo motu contempt proceedings and issue notice to respondents 1 and 2 in W.P.No.10512 of 2018. Further directed the 1st respondent to file action taken report in compliance with the order of this court, dated 03.02.2022 passed in W.P.No.10512 of 2018; the Director General of Police (DGP) of Tamil Nadu



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shall take initiative and ensure strict compliance of the order of this court by the concerned police authorities.

3. The Registry submitted the matter before the Honourable Chief Justice for necessary orders as to (i) whether Sua Motu Contempt Proceedings may be initiated and numbered as directed by Hon'ble Mr.Justice Krishnan Ramasamy on 22.02.2024 in W.P.No.10512 of 2018 and (b) the Hon'ble Judge before whom the Sua Motu Contempt Petition may be listed for further hearing.

4. The Honourable Chief Justice on 08.03.2024 made an endorsement as under:-

“In view of the judicial order passed by the Ld. Judge registry to number the Sua motu contempt, place before Court as per roster”.

5. The News Paper article was regarding restrictions on the Hotels in Chennai and the representation of the Hotels Association that Police continue to harass and threaten to shut the restaurants and not to run late in the night hours.



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6. The learned counsel for the petitioner would submit that the directions of the learned Judge in W.P.No.10512 of 2018 has to be scrupulously followed and the State Government since permitted all the shops and establishments to keep open for 24 x 7 all the days of the year and also taking note of the fact that the police are interfering with business activities of restaurants and shops and forcing them to close down at night hours, this court issued directions to the State Government to ensure smooth functioning of the eatery shops/hotels/restaurants during the night hours so that the private employees, watchmen and guards, taxi drivers and young delivery boys working in Swiggy, Zomato, night shift employees and other can get food at odd hours. He would further submit that justice should not only be done but seen to have been done.

7. The learned counsel for the petitioner would further submit that the learned Judge, viewed that the non-compliance of the directions issued by this court is to be viewed seriously and the police authorities interfering with the business activities of the eatery shops and forcing them to close after 11 p.m., is evident by the news item published in 'The Hindu' News Paper dated 23.02.2024.



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8. The Inspector of Police (Law and Order) filed counter affidavit and stated that there is neither wilful nor deliberate intention to disobey the order of this court and tendered unconditional apology before this court. It is further submitted that based on the directions of this court in W.P.No.10512 of 2018, the Director General of Police (HoPF) had issued a circular in Rc.No.2672962/Gen 1(1)/2022 dated 11.07.2022 addressed to all the Commissioners and Superintendent of all Police Districts.

9. The 2nd respondent-Inspector of Police would further submit that necessary instructions were given to all the Deputy Commissioners within the City of Chennai falling under the jurisdiction of Chennai Commissionerate. The said order is being strictly complied with and it is ensured that necessary protection is given ensuring smooth functioning of shops and restaurants.

10. In the counter affidavit, it is further submitted that on 10.08.2022, Memorandum was issued to all the Joint Commissioners of Police of all Zones, Greater Chennai Police, following the circular of the Director General of Police (HoPF). Further, it is stated that the 2nd respondent would undertake to strictly ensure with the directives of this court without any



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deviation.

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11. The learned Public Prosecutor would submit that the Circular Memorandum dated 11.07.2022 has been issued to All Commissioners of Police in cities and All Superintendents in Districts and other Higher officials in the Police department. The Circular issued would state that All the Station House Officers shall strictly adhere to the directions issued by the High Court in respect of all shops and establishments including eatery shops/hotel/restaurants which employing 10 or more persons as employees. The Police Commissioners in cities and the Superintendents of Police in Districts were directed to issue suitable instructions to the Station House Officers under their jurisdiction and also sensitize the Police personnel in this regard and that any deviation will be viewed seriously.

12. Heard both sides and perused the materials available on record.

13. Taking note of the explanation offered by the Contemnors and the undertaking given to the Court stating that the Circular Memorandum dated 11.07.2022 has been issued to All Commissioners of Police in cities and All the Superintendents in Districts and other High officials in the Police Department,



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wherein in the Circular it is stated that All the Station House Officers shall strictly adhere to the directions issued by the High Court in respect of all shops and establishments including eatery shops/hotel/restaurants which employing 10 or more persons as employees. The Police Commissioner in cities and the Superintendents of Police in District were directed to issue suitable instructions to the Station House officers under their jurisdiction and also sensitize the Police personnel in this regard and that any deviation will be viewed seriously.

14. Therefore, the contemnors/respondents are directed to strictly adhere to the Circular Memorandum issued by the Director General of Police. Since no further orders are required in this contempt petition, the same is closed.

03.06.2024

Index :Yes/No

Internet :Yes/No

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