



LPA.No.10 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM**

LPA.No.10 of 2024
and
CMP.Nos.9873 & 9950 of 2024

Anbumani,
The Executive Engineer and Administrative Officer,
Coimbatore Housing Unit,
Tamil Nadu Housing Board,
Coimbatore – 641 012.
Presently working as,
The Executive Engineer and Administrative Officer,
Thanjavur Housing Unit,
Tamil Nadu Housing Board,
Thanjavur - District.

... Appellant

Vs.

Thiru.X.Durairaj
“S” Block, Old No.40, New No.9,
21st Street, Anna Nagar,
Chennai – 600 040.

... Respondent

Prayer : This Letters Patent Appeal has been filed under Clause 15 of the Letters Patent Act against the order made in Sub Application (OS).No.98



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of 2024 in Cont P.No.1256 of 2023 dated 18.04.2024 and allow this Letter
Patent Appeal.

For Petitioner : Mr.J.Ravidran,
Additional Advocate General
asst by Mr.Veerasekaran D

For Respondent : Mr.Aravind Subramaniam, Senior counsel
for Mr.Hari Babu

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The present Letters Patent Appeal under Clause 15 has been instituted challenging the Order dated 01.09.2023 passed in Cont.P.No.1256 of 2023 in W.P.No.11372 of 2018.

2.The genesis of the Contempt Petition arose from the order dated 18.02.2019 passed in the W.P.No.11372 of 2018. The respondent in the present LPA, Mr.X.Durairaj filed the said Writ Petition seeking a direction to Tamil Nadu Housing Board to consider the representations submitted by him on various dates and execute the Sale Deed, in furtherance to the allotment order dated 23.02.2005 issued by the Executive Engineer and Administrative Officer, Coimbatore Housing Unit.



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3.The learned Single Judge of this Court passed final order on 18.02.2019 directing the 3rd respondent therein to consider those representations of the petitioner and pass orders on merits and in accordance with law within a period of 6 weeks from the date of receipt of a copy of the order.

4.A simple direction was issued to consider the representations and disposed of the same. No positive direction has been issued to the Tamil Nadu Housing Board to execute Sale Deed. Therefore, the scope of the directions issued by the Writ Court cannot be expanded in the Contempt Proceedings. The order of the Courts ought to be executed scrupulously with reference to the directions issued. The petitioner cannot seek any further or additional relief by expanding the scope of the contempt proceedings.

5.The respondent herein filed Cont.P.No.1256 of 2023. The learned Single Judge, while dealing with the Contempt Petition gone into the merits of the case and made an observation in Para No.26, which reads as



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follows,
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“ 26. For the reasons aforesaid, this Court is of the considered opinion that the order of rejection is wholly against the spirit of the order passed by this Court in the writ petition and is an act in violation of the order of this Court, which is nothing but an act of contempt committed by the respondent/contemnor, which requires necessary action at the hands of this Court. The respondent/contemnor cannot be allowed to take advantage of the order of this Court and interpret it in a manner so as to benefit it and do acts, which are against the spirit of the order of this Court and such an act done by the respondent/contemnor deserves to be punished.”

6.The spirit of the order of the Writ Court is to dispose of the representations filed by the petitioner on merits and in accordance with law. Therefore, the observation made in the impugned order is running counter to the directions issued by the Writ Court in the original Writ Petition.

7.The appellants herein filed LPA.No.9 of 2023, wherein the Division Bench of this Court, granted an Interim Order. After the Interim order of the Division Bench, the learned Single Judge closed the Contempt Proceedings. Thereafter, again the Contempt petition was



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reopened vide order dated 18.04.2024. The said order came to be challenged in the present Letter Patents Appeal.

8. We are of the considered opinion that the jurisdiction of Contempt cannot be expanded for the purpose of re-adjudication of the issues raised in the original proceedings. Contempt Petition cannot be used as a weapon for the purpose of securing positive relief from the hands of the Courts, when such relief was not granted in the Writ Petition. The scope of contempt proceedings are limited. Therefore, any findings beyond the scope of the original order passed in the Writ proceedings became unnecessary. The original Writ Order has been complied with by the 3rd respondent by rejecting the claim of the petitioner set out in the representations. The option left open to the respondent is to challenge the said order by way of filing a fresh writ petition and respondent cannot seek any further relief by involving the Contempt jurisdiction. Thus, order passed reopening the contempt proceedings is unnecessary. Thus, we are inclined to interfere.



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9. Accordingly, the order made in Sub Application (OS).No.98 of 2024 in Cont P.No.1256 of 2023 dated 18.04.2024 is set aside and the Letters Patent Appeal is allowed. Consequently, the connected Miscellaneous Petitions are closed.

[S.M.S., J.]

[V.S.G., J.]

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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