



WEB COPY



Cont.P.No.1443 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Cont.P.No.1443 of 2023

D.Sethuraman

... Petitioner

Vs.

S.Parthasarathi,
The Commissioner,
Arcot Municipality,
No.5, Santhapettai Street,
Arcot – 632 503.

... Respondent

Prayer: Contempt Petition filed under Section 11 of Contempt of Court Act, 1971 to punish the respondent for committing Contempt of the Order of this Hon'ble Court dated 06.04.2023 made in W.M.P.Nos.10595 & 10597 of 2023 in W.P.No.10665 of 2023.

For Petitioner
For Respondent

: Mr.M.Elumalai
: Mr.J.Ravindran
Additional Advocate General
assisted by
Mr.S.Ravichandran
Additional Government Pleader



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ORDER

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This Contempt Petition has been filed to punish the respondents for having committed willful disobedience of the interim order dated 06.04.2023 passed in W.M.P.Nos.10595 and 10597 of 2023 in W.P.No.10665 of 2023.

This Court granted an interim stay as follows:

“9. The reasonableness of the restriction is also to be tested with reference to the fundamental rights guaranteed under the Constitution to the citizen. A Contractor can be restrained to carry on his trade or business in the Municipality, wherein his wife is an Elected Councillor since there is an interest in respect of the Municipal activities. However, in respect of other Municipalities or other part of the State or Country, the petitioner cannot be prevented from carry on his business or trade. Such a restriction if imposed, it would cause permanent deprivation of the person from carrying on his trade or business, which will result in infringement of the fundamental right of a citizen and such restriction if imposed is directly in violation of Article 19 (1) (g) of the constitution of India. Therefore, the 2nd respondent cannot pass an order, preventing the petitioner from participating in the process of tender or carrying on trade or business in Arcot Minicipality, wherein the petitioner or his wife has no administrative or other interest.



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10. Thus, the order impugned is infringing the fundamental right of the petitioner and therefore, it cannot be sustained.

11. Accordingly, there shall be an order of interim stay.”

2. Mr.M.Elumalai, learned Counsel for the petitioner would submit that an interim order of this Court has not been implemented in its letter and spirit and the petitioner had been treated indifferently, while he participated in the process of tender.

3. Such allegations cannot be a ground to entertain a contempt petition. If at all, the tender application submitted by the petitioner was not considered in accordance with statutes and rules in force, then the petitioner is at liberty to challenge the same in the manner known to law. Contrarily, the petitioner cannot file a contempt petition to punish the respondent, since the petitioner was permitted to submit his tender application, pursuant to the notification issued.



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4. Therefore, this Court do not find any reason to entertain the contempt petition and consequently, the contempt petition stands dismissed.

06.02.2024

veda

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

The Commissioner,
Arcot Municipality,
No.5, Santhapettai Street,
Arcot – 632 503.



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S.M.SUBRAMANIAM, J.

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