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Suo motu Cont.P.No.1963 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Suo Motu Cont.P.No.1963 of 2024

High Court of Madras,
Madras - 600 104.

... Petitioner

Vs.

V.Manikandan

... Contemnor

PRAYER: *Suo Motu Contempt Proceedings initiated against the Contemnor herein as per R.O.C.No.31635/2024/B2 (Complaints Cell) dated 27.06.2024.*

For Petitioner : Mrs.N.K.Kanthimathi

For Respondent : V. Manikandan
[Party-in-Person]



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ORDER

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

The *suo moto* contempt proceedings has been instituted pursuant to the letter dated 19.03.2024 sent by the learned Principal District and Sessions Judge, Tiruvallur.

2. The learned Principal District and Sessions Judge, Tiruvallur made a reference for taking contempt proceedings against the contemnor/Mr.V.Manikandan. The said letter reveals that the contemnor/Mr.Manikandan filed an application for appeal against the order passed in RL.T.O.P.No.41 of 2021 passed by the learned Principal District Munsif, Poonamallee. The said appeal was returned by the Court on 04.10.2023 and it was not re-presented.

3. The contemnor/Mr.Manikandan party-in-person filed re-filing Memo in Transfer Original Petition filed by him to transfer the case from the Court of the learned Principal District Munsif, Poonamallee to any other



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competent Court in Tiruvallur District. In the re-filing Memo, the contemnor, who is the petitioner in the Transfer Original Petition stated that **"all the objections made in the order of return dated 11.10.2023 are ILLEGAL and CONTEMPTUOUS of order of the Hon'ble High Court."** Further, the learned Principal District Judge in letter dated 19.03.2024 has stated that **"However, the petitioner has complied with the illegal orders, and committed an illegal act solely to satisfy this Hon'ble Court."** The said re-filing Memo provided a cause for sending a letter to the High Court for initiation of criminal contempt proceedings under Section 15 of the Contempt of Courts Act.

4. Careful reading of the re-filing Memo would reveal that the objections made by the Office of the Principal District and Sessions Court, Tiruvallur are stated as illegal and contemptuous orders of the Hon'ble High Court.

5. Mr.Manikandan/contemnor appearing in person orally submitted his explanation by stating that he never intended to commit any



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contempt of Court nor he has committed any such contempt. He has used the words "illegal" and "contemptuous" only with reference to the objections made in the case bundle by the Office of the Court and he never intended to commit any contempt against the Court or the Majesty of Judicial institution.

6. Since the language employed by the contemnor is not considered as usual practice, the learned Principal District Judge thought fit and sent a letter for initiation of contempt proceedings.

7. Since the contemnor/Mr.Manikandan before this Court clarified that he never intended to commit any criminal contempt as alleged in the letter, he has raised objections only against the Office Note while returning the case papers and he intended as if that such objections are violative of the orders of the High Court and not in consonance with the legal principles.

8. By giving such an explanation, the contemnor/Mr.Manikandan has stated that the language employed if seems to be harsh, he will not use any such language in future in any of the Court proceedings.



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9. We are of the considered opinion that the usage of the words "illegal and contemptuous" *per se* cannot be construed as a faulty language.

Such terms can be utilized by the Lawyers and the Litigants in an appropriate place in an appropriate manner.

10. Mere usage of the words "illegal" or "contemptuous" do not provide a cause for institution of criminal contempt proceedings under Section 15 of the Contempt of Courts Act, 1971. The place and the manner of usage of such languages are to be looked into for the purpose of forming an opinion.

11. We have considered the letter sent by the learned Principal District and Sessions Judge, Tiruvallur and the explanation given by Mr.Manikandan/contemnor orally before this Court. We do not find any reason to initiate criminal contempt against the respondent/contemnor. Consequently, the Contempt Petition stands **dismissed**.

[S.M.S., J.]

[V.S.G.,

J.]

17.10.2024

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



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S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

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To
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