



Order dated 12.02.2024 in
Cont.P.No.1780 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.02.2024

Coram:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Cont.P.No.1780 of 2023

K.Ravindrakumar

.. Petitioner

Vs.

1. Dr.R.K.Rathore,
Joint Chief Controller of Explosives,
South Circle,
Petroleum & Explosives Safety Organisation (PESO),
A and D Wing, Block 1-8, Second Floor,
Shastri Bhavan, No.26, Haddows Road,
Nungambakkam, Chennai-600 006.

2. M.Vasanta Rao, Deputy General Manager,
Hindustan Petroleum Corporation Limited,
Ennore Terminal,
Chennai-600 120.

(Impleaded as 2nd respondent as per the
order of the Court made in
Sub.Appl.No.697 of 2023 in
Cont.P.No.1780 of 2023, dated 12.10.2023)

.. Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act, to
punish the respondents herein for their wilful and deliberate disobedience of the
order dated 21.02.2020 passed by this Court in W.P.No.4275 of 2020.

For petitioner : Mr.V.B.R.Menon

For respondents: Mr.S.Janarthanam, Senior Panel Counsel for R-1
Mr.M.Vijayan for M/s.King and Patridge for R-2

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ORDER

The contempt complained of relates to an order of status-quo granted by this Court on 21.02.2020 in W.P.No.4275 of 2020.

2. Though there is violation of the order under contempt, by the first respondent, who had granted No Objection Certificate on 13.02.2020, i.e. before the order of status-quo which was granted on 21.02.2020.

3. Though there is contempt committed by the first respondent, and though there is violation of the order on the part of the first respondent by granting Explosive Licence, after the order of status-quo, the first respondent had in his counter affidavit stated that, since the pending litigation was not brought to his notice and the second respondent, namely the Deputy General Manager of the Hindustan Petroleum Corporation Limited, had issued No Objection Certificate and has issued a letter stating that there is no case pending in respect of the site in question and the affidavit of declaration was also filed by one Mr.M.Vasanta Rao, Deputy General Manager of the said Oil Company on 05.03.2020, affirming that there is no litigation pending in respect of the site in question and there is no prohibitory order and the licence came to be issued.

4. Mr.Suresh Kumar, Deputy General Manager (Retail), Duly Constituted



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Attorney of the Oil Company, is present in Court and he submitted that the pendency of the proceedings, was not brought to his notice and he had joined as DGM only a few days prior to the issuance of the said letter. He also submitted that it is a bona-fide mistake and it is not willful disobedience of the order under contempt.

5. We are also informed that after the lapse was brought to the notice of the first respondent, the first respondent has cancelled the Explosive Licence and all the equipments which were installed in the site, have been removed by the second respondent, namely the Oil Company and no business is being carried on in that site.

6. It is also stated that the Writ petition has been withdrawn by the petitioner, in view of the cancellation of the licence.

7. In view of the above submissions made, we close this Contempt Petition and we however warn the officials of the Oil Company who are in public duty, be careful in future and in future, if any violation is found, it will be viewed very seriously.

8. There shall be no order as to costs.

(R.S.M., J) (P.V., J)
12.02.2024

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To

Joint Chief Controller of Explosives,
South Circle,
Petroleum & Explosives Safety Organisation (PESO),
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R. SUBRAMANIAN, J
and
P.VELMURUGAN, J

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