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Cont.P.No.2254 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Cont.P.No.2254 of 2023

Rathnamma

... Petitioner

VS

Shanmugasundaram
The State Transport Authority
Chepauk, Chennai - 5

... Respondent

Prayer: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the respondent for the wilful disobedience of the orders of this Court made in W.P.No.22168 of 2023 dated 02.08.2023.

For Petitioner : Mrs.Radha Gopalan
Senior Counsel
for M/s.K.Hariharan

For Respondent : Mr.Haja Zazirudeen
Additional Advocate General-I
Assisted by Mr.N.Naveenkumar
Government Advocate



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ORDER

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The Contempt Petition is filed complaining violation of the order passed by this Court in W.P.No.22168 of 2023, dated 02.08.2023.

2. This Court in W.P.No.22168 of 2023 directed the respondent herein to consider the fresh application to be submitted by the petitioner for issue of Temporary Permit in the light of the order passed in C.M.P.No.324 of 2022 in C.R.P.(NPD).No.51 of 2022 within a period of four weeks from the date of receipt of fresh application.

3. It is stated by the petitioner that fresh application was filed immediately on 03.08.2023. The respondent after considering the fresh application submitted by the petitioner rejected the same on the ground that the petitioner was not having valid permit on the date of application.

4. It is the submission of the learned Senior Counsel appearing for the petitioner that the failure to consider the application of the petitioner within the time stipulated by the order and later rejection of the application without



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considering the order passed in C.M.P.No.324 of 2022 in C.R.P.(NPD).No.51 of 2022 would amount to wilful disobedient of the order passed by this Court.

5. The learned Additional Advocate General-I appearing for the respondent by taking this Court to the counter affidavit filed by the respondent submitted that the Temporary Permit for plying the vehicle was granted to the petitioner lastly from 16.09.2021 to 14.12.2021 and thereafter, no Temporary Permit was given to the petitioner for running the vehicle. Hence, on the date of passing of *status quo* order in C.M.P.No.324 of 2022 in C.R.P.(NPD).No.51 of 2022, the petitioner was not plying the vehicle due to absence of Temporary Permit. Hence, the question of granting Temporary Permit to the petitioner will not arise as petitioner was not plying the vehicle on the date of interim order passed in civil revision petition on 19.01.2022.

6. This Court in the order dated 02.08.2023 directed the respondent to consider the application of the petitioner in the light of the order passed in C.M.P.No.324 of 2022 in C.R.P.(NPD).No.51 of 2022. The order passed in C.M.P.No.324 of 2022 in C.R.P.(NPD).No.51 of 2022, dated 19.01.2022



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reads as follows:-

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“It is seen that the petitioner was favoured with an interim direction for issuance of temporary remedies pending an appeal by the Tribunal. This Court has also issued certain directions in writ jurisdiction. In view of the same, there will be an order directing the respondents to maintain status quo as regard to the running of the buses in the route Malur to Krishnagiri via., Bagluar, Hosur and Sholagiri etc., by the petitioner until further orders.”

7. A perusal of the order passed in C.M.P.No.324 of 2022 in C.R.P.(NPD).No.51 of 2022 would suggest that the respondent was directed to maintain *status quo* as to the running of the vehicle in the route Malur to Krishnagiri via., Bagluar, Hosur and Sholagiri etc., until further orders. Now, the respondent has come up with a definite stand in the counter affidavit that no Temporary Permit was granted to the petitioner subsequent to 14.12.2021, the petitioner has not produced any copy of the Temporary Permit issued to her for plying the vehicle. Though the learned Senior Counsel appearing for the petitioner pointed out that tax was paid by the petitioner till June-2023, no



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material is produced before this Court to show Temporary Permit was granted to petitioner subsequent to 14.12.2021 to enable her to ply the vehicle.

8. In such circumstances, the respondent considered the application submitted by the petitioner in the light of *status quo* order passed in C.M.P.No.324 of 2022 in C.R.P.(NPD).No.51 of 2022, dated 19.01.2022 and passed a detailed order. In such circumstances, I do not think the petitioner has made a case for contempt against the respondent. Hence, the present Contempt Petition is closed. If the petitioner is of the opinion that there is a violation of the interim order passed in civil revision petition, it is for the petitioner to workout her remedy separately.

9. With this observation, the Contempt Petition is closed. No costs.

30.01.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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S.SOUNTHAR, J.

dm

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