



Cont. Petn. No.3820 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM:
THE HON'BLE Mr. JUSTICE S.S.SUNDAR
AND
THE HON'BLE Mr. JUSTICE P.DHANABAL

Contempt Petition No.3820 of 2024

Sivasubburamalu.D

.. Petitioner

Vs.

1.Mr.Soma Sekhar Apparao Kotaru I.A.S.
Deputy Collector (Revenue-South)
O/o.The Deputy Collector
Villianur
U.T. of Puducherry

2.Mr.Nithianandhane
Tahsildar
Villianur Taluk Office
Villianur
Puducherry

.. Respondents

Contempt Petition filed under Section 11 of the contempt of Courts Act, 1971, to punish the respondents for willfully and deliberately disobeying the order dated 03.07.2024 in W.P.No.35711 of 2023.

For Petitioner : Mr.K.S.Ilangovan

ORDER



Cont. Petn. No.3820 of 2024

(Made by S.S.SUNDAR, J.)

WEB COPY Alleging willful disobedience of the order dated 03.07.2024 in W.P.No.35711 of 2023, the above contempt petition is filed.

2. Earlier, the petitioner filed a writ petition for issuance of a certiorarified mandamus to quash the order dated 21.11.2023 and the consequential order of the 1st respondent dated 12.12.2023. The writ petition is also for a further direction to the 2nd respondent to issue community certificate and nativity certificate for the petitioner.

3. In the said writ petition, this Court set aside the impugned order on the ground that some of the documents filed by the petitioner was not properly considered. The operative portion of the order of this Court dated 03.07.2024, reads as follows :

"9. Therefore, this Court finds that the impugned order is not on the correct interpretation of the Guidelines. The impugned order therefore, is set aside and the matter is remitted back to the 1st respondent for fresh decision in accordance with law after holding an enquiry and considering all the documents by examining their authenticity. This exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order."

4. Pursuant to the order of this Court, the 1st respondent has passed an



Cont. Petn. No.3820 of 2024

order, on the application submitted by the petitioner for issuance of residence certificate. Even though, there is no elaborate discussion on the merits of the documents filed by the petitioner, it is seen that the 1st respondent has considered some of the documents and based on the report of the Deputy Tahsildar and other Revenue officials, the 1st respondent has come to a conclusion that the petitioner and his family are not residing actually and physically in the premises at Puducherry, before 2023.

5. This Court is unable to find any willful disobedience of the order, having regard to the nature of the order. Several documents have been considered by the 1st respondent and it is for the petitioner to challenge, if he is so advised. Merely because an adverse order is passed, the petitioner cannot maintain this petition for contempt. One of the submissions of the learned counsel for the petitioner is that the Tahsildar, Taluk Office, Villianur, has given a complaint against the petitioner and the same has been registered as Villianur P.S.Crime No.380 of 2024, for production of forged residence certificate.



Cont. Petn. No.3820 of 2024

6. This Court, in the contempt petition, cannot go into the merits of the criminal complaint. When a document is forged, this Court cannot presume that there is a motive for the respondent to lodge a criminal complaint as well as to reject the petition. With the above observation, this contempt petition stands closed. Liberty is given to the petitioner to challenge the order passed by the 1st respondent, challenging the rejection of his application for grant of residence certificate.

[S.S.S.R.,J.] [P.D.B., J.]
16.12.2024

Index : Yes/No
Neutral Citation : Yes/No
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To

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