



Cont.P(MD)No.428 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

Cont.P(MD)No.428 of 2024

K.Gurunathan

... Petitioner

VS.

- 1.Mr.P.Senthilkumar I.A.S.,
The Secretary to Government of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Fort St. George,
Chennai -600 009.
- 2.Mr.P.Ponnaiya I.A.S.,
The Director,
Rural Development and Panchayat Raj Department,
Chennai -600 015.
- 3.Mr.M.Pradeep Kumar I.A.S.,
District Collector,
Trichy – 620 001.
- 4.Mrs.Gangatharani,
Assistant Director,
Rural Development and Panchayat Raj Department,
District Collector Office,
Trichy – 620 001.



Cont.P(MD)No.428 of 2024

WEB COPY

5.Mrs.K.Vanaja,
Tahsildar,
Thuraiyur – 621 010.

6.Mr.V.Sridhar,
The Block Development Officer (VP),
Thuraiyur Block,
Trichy District – 621 010.

7.Mr.V.Ramar,
Panchayat Secretary,
Pagalavadi Panchayat,
Thuraiyur Taluk,
Trichy District – 621 014.

... Respondents

PRAYER : Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the contemnors herein for their deliberate and wilful conduct of disobeying the order passed by this Court in W.P(MD)No.15837 of 2020 on 29.08.2023 and punish the contemnors.

For Petitioner

: Mr.K.Gurunathan
Party-in-Person

For Respondents

: Mr.R.Baskaran
Additional Advocate General
Assisted by
Mr.P.Thilak Kumar
Government Pleader



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Cont.P(MD)No.428 of 2024

ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

This Contempt Petition has been filed for the alleged disobedience of the orders of this Court, dated 29.08.2023 made in W.P(MD)No.15837 of 2020.

2.In fact, the said order was a common order that has been passed in the said Writ Petition with the other two Writ Petitions.

3.The sum and substance of the prayer that has been sought for in the said Writ Petition by the writ petitioner was to challenge the Gramasabha meeting, dated 31.05.2019.

4.After hearing the parties, the Division Bench, by order, dated 29.08.2023 disposed of all those Writ Petitions by the said common order, dated 29.08.2023 by giving the following observations:



Cont.P(MD)No.428 of 2024

WEB COPY

'6. It is the duty of the officers to abide by the rules for conduct of the Gramasabha meeting. In a Gramasabha meeting, every villager is entitled to participate in the meeting and the Gramasabha meeting has its own importance. So as to enable all the villagers to participate in the Gramasabha meetings, naturally, the procedure required for conduct of the Gramasabha is required to be scrupulously followed by the authorities concerned. We hope and trust that the same would be followed by the authorities in future.

7. With these observations, the Writ Petition is disposed of. No costs.'

5.The said observation given in para 6 of the order, dated 29.08.2023 has not been followed or complied with is the complaint of the petitioner and on that ground alone, the present Contempt Petition has been moved.

6.We have heard the petitioner, who appeared in person. When we specifically asked him as to what was the violation on the part of the respondents in this Contempt Petition, who is the Secretary to Government, Rural Development and Panchayat Raj Department, the Director, Rural



Cont.P(MD)No.428 of 2024

WEB C

Development and Panchayat Raj Department, the District Collector, the Assistant Director, the Tahsildar, the Block Development Officer and the Panchayat Secretary, the petitioner had submitted that earlier in the year 2022, a Gramasabha meeting was held which was not held in accordance with law, therefore, in order to cancel the meeting, he had made a request that was not considered by the Block Development Officer or the Tahsildar or the Collector.

7.It is his further contention that he had given some draft resolution to be added in the meeting of Gramasabha which had not been added by the Panchayat Secretary, therefore, these are all the violations which has been pointed out by the petitioner, who appeared in party-in-person, for which this Contempt Petition had been moved.

8.We have heard the petitioner/party-in-person and also the learned Additional Advocate General appearing for the respondents.

9.Insofar as the order, dated 29.08.2023 is concerned, in para 6 of the order, the Division Bench has observed that in a Gramasabha meeting, every villager is entitled to participate in the meeting and the



Cont.P(MD)No.428 of 2024

WEB CAM

Gramasabha meeting has its own importance. So as to enable all the villagers to participate in the Gramasabha meetings, naturally, the procedure required for the conduct of the Gramasabha is required to be scrupulously followed by the authorities concerned. By making this observation, the Division Bench has further observed that the Court hope and trust that the same would be followed by the authorities in future.

10.Here in the case in hand insofar as the meeting that was taken place in the year 2022, he wants certain remedial measures to be taken which cannot be treated as future meetings as has been observed by the Division Bench in the said order.

11.Moreover if at all any rule in this regard ie., the Tamil Nadu Grama Sabha (Procedure for convening and conducting of Meeting) Rules 1998, in short 'the Rules', if it is violated by any particular authority, such violation can be pointed out, based on which the petitioner or any other aggrieved person can seek remedy from the Court of law in the manner known to law.



Cont.P(MD)No.428 of 2024

WEB COPY

12.Otherwise, no Omni bus prayer can be asked for in a contempt proceeding saying that all these respondents in this contempt proceedings have violated the orders passed by this Court, thereby they have wilfully committed the contempt.

13.The Supreme Court has made it clear in more than one case that under the contempt jurisdiction if at all the alleged contemnor is found that he has wilfully disobeyed the orders of the Court or wilfully violated the orders of the Court, then only the contempt jurisdiction can be invoked.

14.Unless such a wilful disobedience or violation of the orders of the Court is found on the part of the alleged contemnor, such jurisdiction cannot be invoked.

15.Moreover insofar as invoking the contempt jurisdiction is concerned, which is an exclusive power of this Court under the provisions of the Contempt of Courts Act as well as under the Constitution, such a power should be exercised cautiously only in cases where such contempt is explicit and the Court also if come to a conclusion that the orders of this Court wilfully violated or not complied with.



Cont.P(MD)No.428 of 2024

WEB COPY

16.Moreover once the contempt petition is filed, it is the job of the petitioner, who filed such a contempt petition, has to bring to the notice of this Court such an alleged violation of the orders of this Court or non-compliance of the orders of this Court, thereafter, it is a matter between the Court and the contemnor to deal with the same by exercising its power under the provisions of the Contempt of Courts Act.

17.Therefore in this regard, the Omnibus prayer or any other grievance which does not emanate directly from the order which is alleged to have been violated, according to the petitioner, cannot be stated as a reason for invoking the provisions of the Contempt of Courts Act.

18.The present case is one such case where the observation that has been made by the Division Bench, dated 29.08.2023 in para 6 has been cited as an order, which according to the petitioner, who appeared in party-in-person, has been violated by the respondents.



Cont.P(MD)No.428 of 2024

WEB COPY

19.We do not find any such violation, that too, wilfully made by the respondents against the order passed by the Division Bench, dated 29.08.2023, especially, as against the observation that has been made by the Division Bench in para 6 of the said order. Therefore, we do not think that this Contempt Petition can be entertained and persuaded further. Resultantly, this Contempt Petition is to fail, therefore, it is closed at the admission stage. No costs.

[R.S.K.,J.] [G.A.M.,J.]
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NCC : Yes / No
Index : Yes / No
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10/11



WEB COPY



Cont.P(MD)No.428 of 2024

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ORDER MADE IN
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11/11