



Cont P(MD)No.1270 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**Cont P(MD)No.1270 of 2024
in
W.P.(MD)No.2995 of 2024**

E.Venkatesan

... Petitioner/Petitioner

Vs.

R.Kumar,
The Regional Transport Officer,
Srirangam,
Trichy.

...Contemnors/Respondents

PRAYER: Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971, to punish the respondent/contemnor for willful disobedience of the order dated 08.04.2024 passed by this Court in W.P.(MD)No.2995 of 2024 and punish the respondent for contempt.

For petitioner : Mr.B.Micheal Sebastin

For respondent : Mr.S.P.Maharajan
Special Government Pleader



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ORDER

The petitioner has filed this Contempt Petition for the alleged violation of this Court's order dated 08.04.2024 in W.P.(MD)No.2995 of 2024.

2. By the aforesaid order, this Court has disposed of the above Writ Petition for the following directions:

“6. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Government Advocate for the first respondent and the learned counsel for the second respondent.

7. Circular No.37/2019 dated 05.09.2019 bearing reference R.No. 12796/HA1/2019 is categorical. Clause 4 & 5 of the said Circular reads as under:-

<i>Clause 4</i>	<i>Clause 5</i>
<i>If the Registered Owner is not available or refuse to accept the notice, the same shall be affixed in a conspicuous place in the address of the premises as mentioned in the Registration Certificate as conferred in rule 137 1(b) of Tamil Nadu Motor Vehicles Rules, 1989.</i>	<i>If the Registered Owner has obtained any order in his favour, from a court of competent jurisdiction in respect of the hypothecated vehicle, the authority should take a decision in accordance with the Section 51(5) of Motor Vehicles Act, 1988 and no other objections by the owner shall be considered.</i>



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8. In case the third respondent had not obtained any order from the competent court of jurisdiction in respect of the hypothecated vehicle, the Circular enjoins the authority to take decision in accordance with Section 51(5) of Motor Vehicle Act, 1988 and no other objection from the third respondent shall be considered.

9. In view of the above, I direct the first respondent to consider and dispose of the petitioner's application dated 26.10.2023 in accordance with Circular No.37/2019 dated 05.09.2019 bearing reference R.No. 12796/HA1/2019, within a period of 4 weeks from the date of receipt of a copy of this order.

10. Accordingly, this Writ Petition stands disposed of. No costs."

3. The case of the petitioner is that despite the same, no orders have been passed and therefore, there is willful disobedience of the Court order. Hence, this Contempt Petition.

4. The learned Special Government Pleader for the respondent, on the other hand, would produce the original of the order passed by the respondent, pursuant to the order of this Court in W.P.(MD)No.2995 of 2024 dated 08.04.2024 and enclosed a copy of the orders passed by the respondent in his proceedings bearing reference in Na.Ka.No.4518/A3/2024, dated 20.08.2024, which was dispatched to the petitioner by RPAD on 23.05.2024.



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5. It is noticed that the postal cover, which has been enclosed along with original indicates that the aforesaid order was returned with an endorsement “Left without instructions” and was returned to the office of the respondent on 27.05.2024.

6. It is noticed that the counsel for the petitioner has issued the contempt notice on 06.06.2024, for which, a reply was given by the respondent on 11.06.2024 enclosing a copy of the order passed on 20.05.2024 bearing reference Na.Ka.4518/A3/2024 by the respondent. The aforesaid reply has also been duly received by the learned counsel, who is representing the petitioner in this contempt petition as also in the aforesaid Writ Petition.

7. Copies of the communication order dated 20.05.2024 and reply dated 11.06.2024 are available and have been filed today together with the postal cover and postal AD Card. Thus, no contempt is made out.

8. Suffice to state that the learned Special Government Pleader for the respondent shall furnish the copy of the said order passed by the respondent to the



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learned counsel for the petitioner to work out the remedy against the same in the manner known to law.

Accordingly, this contempt petition stands closed.

Index : Yes / No
Internet : Yes / No
apd

15.07.2024

To
R.Kumar,
The Regional Transport Officer,
Srirangam,
Trichy.



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C.SARAVANAN, J.

apd

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