



Cont.A.No.23 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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<i>Reserved on</i>	<i>20.08.2025</i>
<i>Pronounced on</i>	<i>10.10.2025</i>

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

Cont.A.No.23 of 2025
and C.M.P.No.12348 of 2025

Mr.Venkatramanan,
The Tahsildar,
Tiruporur,
Chengalpet District.

... Appellant

Vs.

P.Shankar

... Respondent

Prayer: Contempt Appeal filed under Section 19(1) of the Contempt of Courts Act, 1971, praying to set aside the order passed in Cont.P.No.3235 of 2024 dated 28.04.2025 and allow this Contempt Appeal.

For Appellant : Mr.R.Ramanlaal,
Additional Advocate General
assisted by Mr.T.Arun Kumar,
Additional Government Pleader

For Respondent : Mr.D.Krishnamoorthy



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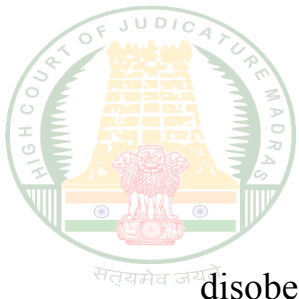
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JUDGMENT

M.S.RAMESH, J.

This Contempt Appeal arises out of an order passed in Contempt Petition No.3235 of 2024 dated 28.04.2025, wherein the learned Single Judge had found the contemnor of having committed 'civil contempt' and sentenced the appellant herein to undergo simple imprisonment for a period of one month and to pay the compensation of Rs.25,000/- to the respondent herein/petitioner in the Contempt Petition.

2. The aforesaid Contempt Petition arises out of an order passed in W.P.No.4964 of 2024 dated 28.02.2024. The grievance of the writ petitioner is that his representation given before the Revenue Authorities seeking for issuance of separate Patta in his favour, has not been considered and therefore, he sought for issuance of a Writ of Mandamus. The learned Single Judge, while passing final order in the Writ Petition on 28.02.2024, had directed the appellant herein/first respondent therein to consider the writ petitioner's representation, within a period of eight weeks from the date of receipt of a copy of the Writ Order. Alleging



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disobedience of this order, the Contempt Petition came to be filed. The contemnor in Cont.P.No.3235 of 2024 is the Tahsildar, who has filed this Contempt Appeal.

3. The learned Additional Advocate General appearing for the appellant herein submitted that the incumbent Tahsildar had complied with the order passed in the Writ Petition by considering the representation of the respondent herein, conducting an inquiry in which the respondent did not participate and thereafter rejected the request on 13.02.2025. He further submitted that he had filed a compliance report before the learned Single Judge in Cont.P.No.3235 of 2024 and had also tendered an unconditional apology before the Court without any reservation, for any act of commission or omission.

4. The learned Single Judge had recorded that the counter affidavit filed by the contemnor was not satisfactory to the Court and rejected the contention of the contemnor that he was transferred and relieved from the post on 21.12.2024 and therefore, the delay had occurred. On the other



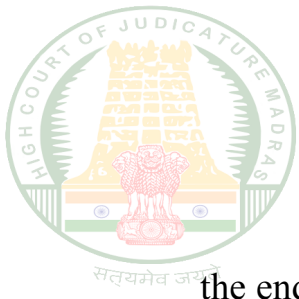
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hand, the contemnor had failed to give any satisfactory reason as to why the order was not complied within eight weeks prior to 21.12.2024. Though the specific direction in the Writ Petition was to conclude within eight weeks, the final order came to be passed after much delay, causing serious prejudice to the writ petitioner. In this background, the learned Single Judge was of the view that the contemnor has committed civil contempt and accordingly, punished him under Section 12 of the Contempt of Courts Act, as detailed above.

5. In our view, the learned Single Judge had rightly arrived at such a decision and hence, no interference is required to the findings.

6. With regard to the quantum of punishment, the Hon'ble Supreme Court, in '*Pushpaben and another Vs. Narandas V.Badiani and another*' reported in *AIR 1979 SC 1536*, had, while interpreting Section 12(3) of the Contempt of Courts Act 1971, held that there is no room for doubt that in normal circumstance, a sentence of fine should be imposed. However, the Act has conferred special powers on the Court to award punishment, if



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the ends of justice so require. By observing so, it held that the Court must properly apply its mind and give special reasons that a sentence of imprisonment alone is called for in a particular situation. As per the said decision, while imprisonment is an exception, fine is the general rule.

7. In the present case, the Contempt Court has not recorded any special reasons, as to why imprisonment was awarded together with the compensation amount. In our view, the Contempt Court could have restricted the punishment to fine alone, as contemplated under Section 12 of the Contempt of Courts Act, since no such reasons have been assigned for the sentence of imprisonment.

8. On this view, we are inclined to interfere with the order of the learned Single Judge made in the Contempt Petition, insofar as it sentences the appellant herein to one month simple imprisonment.

9. Accordingly, paragraph No.29 of the impugned order dated 28.04.2025 in Cont.P.No.3235 of 2024, insofar as it sentences the



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appellant to undergo simple imprisonment for one month, is set aside. All other observations and findings in the impugned order are confirmed.

10. The Contempt Appeal stands disposed of accordingly.

Connected miscellaneous petition is closed.

[M.S.R, J.]

[V.L.N, J.]

10.10.2025

Index: Yes

Speaking order

Internet: Yes

Neutral Citation: Yes

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judgment made in
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