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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Cont.P.No.3033 of 2025 - RESERVED ON : 20.11.2025

Cont.P.No.2599 of 2025 - RESERVED ON : 21.11.2025

PRONOUNCED ON : .11.2025

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

Cont.P.Nos.2599 & 3033 of 2025

R.Sumanraj ... Petitioner in Cont.P.No.2599 of 2025

A.Sujitha ... Petitioner in Cont.P.No.3033 of 2025
vs

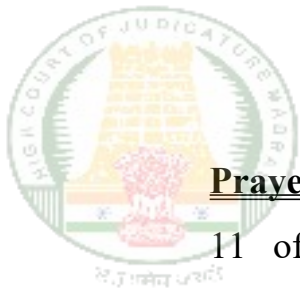
1. Dr.K.Gopal, IAS
Additional Chief Secretary to Government
Government of Tamil Nadu
Cooperative, Food and Consumer Protection Department
Secretariat, Fort St.George,
Chennai – 600 009.

... Respondent in Cont.P.No.2599 of 2025

1.Mr.J.Radhakrishnan, IAS
The Chairman-cum-managing Director,
TANGEDCO, N.P.K.R.R.Maalgai
New No.144, Anna Salai,
Chennai – 600 002.

2.Mrs.M.Ambiga, BE
Chief Engineer (Personnel)
TANGEDCO
New No.144, Anna Salai,
Chennai – 600 002.

... Respondents in Cont.P.No.3033 of 2025



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Prayer in Cont.P.2599 of 2025 : Contempt Petition is filed under Section 11 of the Contempt of Courts Act to initiate appropriate contempt proceeding against the respondent herein and punish him for his deliberate and wilful disobedience in not complying with the order dated 09.03.2021 passed by this Court in WP.No.5691 of 2021.

Prayer in Cont.P.3033 of 2025 : Contempt Petition is filed under Section 11 of the Contempt of Courts Act to initiate appropriate contempt proceeding against the respondent herein for non compliance of the order dated 29.09.2023 passed by this Court in WP.No.5843 of 2020 and punish them for their failure to adhere to the directions issued by this Court.

For Petitioners : Mr.V.Shanmugasundar
in Cont.P.No.2599 of 2025

Mr.A.E.Chelliah, Sr.Advocate
for Mr.V.J.Arul Raj
in Cont.P.No.3033 of 2025

For Respondents : Mr.J.Ravindran, AAG
Assisted by Mrs.E.Renganayagi, AGP
in Cont.P.No.2599 of 2025

Mr.G.Anandakrishnan for R1 & R2
in Cont.P.No.3033 of 2025

COMMON ORDER

Heard the learned counsel for the petitioner and the learned Additional Advocate General assisted by the learned Additional



Government Pleader in Cont.P.No.2599 of 2025 and the learned Senior counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the respondents in Cont.P.No.3033 of 2025 and perused the records.

2. Cont.P.No.2599 of 2025 is filed to punish the respondent/contemnor for wilful disobedience for non compliance of the order dated 09.03.2021 made in WP.No.5691 of 2021.

3. Cont.P.No.3033 of 2025 is filed to punish the respondents/contemnor for not implementing the order dated 29.09.2023 made in WP.No.5843 of 2020.

4. Since, both the contempt petitions are filed beyond the period of one year as prescribed under Section 20 the Contempt of Courts Act, 1971 (for short “Act”), this Court had called upon the learned counsel appearing on behalf of the contempt petitioners to address the Court on the maintainability of the petitions filed beyond the period of limitation prescribed under the Act.



5. Mr.L.Chandrakumar, the learned counsel appearing on behalf of Mr.V.Shanmugasundar, learned counsel for the petitioner in Cont.P.No.2599 of 2021 was permitted to lead the matter.

6. The learned counsel contended that this Court on 09.03.2021 while disposing of the writ petition in WP.No.5691 of 2021 had issued slew of directions; that one of the direction was to the 1st respondent whereby, he was directed to consider the representation of the petitioner dated 30.06.2020 and dispose of the same, if not already disposed of by passing appropriate orders thereon, in accordance with law; that the 1st respondent was directed to undertake the said exercise after affording opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected; and that the 1st respondent was directed to complete the said exercise as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

7. It is also contended that this Court further directed the 1st respondent to communicate the decision taken to the petitioner within a period of three weeks there from by way of SMS/E.mail/registered post/speed post; and that this Court while issuing the aforesaid directions



made it clear that the aforesaid directions are being given so that there is no need for the petitioner to file a contempt after expiry of the specified period.

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8. The learned counsel contended that this Court further held that in the event of the respondents failing to send communication to the petitioner they will have to face the contempt proceedings. Since, the respondents did not comply with the order, they have wilfully disobeyed the order of this Court and liable to proceed against under the Act.

9. The learned counsel further contended that the limitation prescribed under Section 20 of the Act would not be applicable to writ proceedings under Article 226 of the Constitution of India, as this Court is a Court of record under Article 215 of the Constitution of India and has independent original jurisdiction.

10. The learned counsel for the petitioner also contended that not to entertain a contempt proceedings beyond the period of one year prescribed under the Act, by a Court of record is a self imposed restriction, and Court cannot impose on itself the said restriction when it is brought to the notice of this Court of miscarriage of justice.



11. The learned counsel contended that when a direction given by this Court is not complied or order is not implemented, the same would have to be construed and considered as a continuing wrong, more particularly when the respondents who is required to implement / enforce the said orders is Government and its agency.

12. The learned counsel contended that in a given case, even if the petitioner had not brought to the notice of the Court, the wilful disobedience shown to the order of this Court and the said disobedience being brought to the notice of the Court by a 3rd party or the Court itself coming to know of such wilful disobedience shown to the majesty and dignity of the Court, the Court cannot keep silent, applying the limitation prescribed under the act, from initiating action to punish the respondent/contemnor who is in contempt of the order of this Court.

13. The learned Counsel contended that the Court should ensure that the majesty and dignity of the Court is maintained and thus, the respondent cannot be allowed or permitted to claim that the contempt petition filed beyond the period of one year of limitation under Section 20 of the Act is



not maintainable, while the respondents have blatantly committed violation of the order.

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14. It is contended that if this Court was to reject the contempt petition filed on the ground of limitation, even though the respondent had acted in utter disregard to the order of this Court affecting the majesty and dignity, the same would result in this Court placing fetters on its own powers to punish the respondents who are in contempt of orders of this Court.

15. In support of the aforesaid contentions reliance is placed on the decision in the case of ***Shanmugam Alias Lakshminarayanan V. High Court of Madras – 2025 SCC online SC 1011***

16. Mr.A.E.Chelliah, learned Senior Counsel appearing on behalf of the learned counsel for the petitioner in Cont.P.3033 of 2025 contended that the present petition is filed for not implementing / complying with the directions issued by this Court to its order dated 29.09.2023 in WP.No.5843 of 2020.



17. The learned Senior counsel submitted that though the contempt petition is presented on 28.08.2025 is beyond the period of one year, the Court cannot reject the said petition solely on the ground of same being barred by limitation under the Act.

18. The learned Senior Counsel would further contend that it is the duty of the Court to see that its orders are implemented and the respondents cannot be allowed to violate the orders of this Court with impunity and to take shelter under procedural infirmities. Contending as above, the learned Senior Counsel placed reliance on the decision of the Hon'ble Apex Court in ***Rupa Ashok Hurra v. Ashok Hurra and another – AIR 2002 SC 1771*** wherein it was held that “*Even the law bends before justice*”.

19. The learned Senior Counsel further contended that the prescription of one year limitation under Act, cannot be construed in *stricto sensu* to reject the petition filed, bringing to the notice of the Court, the contempt committed by the respondents of its orders.

20. The learned Senior counsel for the petitioner further submitted that the respondents cannot be allowed to take shelter of limitation of one



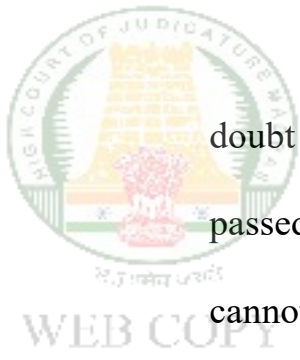
year period prescribed under Section 20 of the Act for not implementing the orders, by practising fraud or dodging matters under the pretext of bureaucratic procedural compliances.

21. Contending as above, the learned Senior counsel submitted that the endeavour of the Court should be to do complete justice and Court is not bound by procedural limitations particularly when it comes to contempt of the orders of the Court.

22. In support of the aforesaid submissions reliance is placed on the decision of the Hon'ble Apex Court in ***Shanmugam Alias Lakshminarayanan V. High Court of Madras*** (*supra*).

23. Since, the aforesaid contempt petitions are directed against the non implementation of the orders of this Court by the respondents/State, this Court had called upon the learned Additional Advocate General to address the Court with regard to the maintainability of the Contempt Petitions.

24. The learned Additional Advocate General appearing on behalf of the respondent in Cont.P.No.2599 of 2025 submits that there cannot be any



doubt as to maintaining the majesty and dignity of this Court and the orders passed by this Court are required to be implemented, and the executive cannot be permitted to sit over the orders of this Court without availing further remedies in law, if aggrieved by the same.

25. The learned Additional Advocate General submits that however, there cannot be a straight jacket formula which can be applied to reject the petition filed beyond the period of one year, since, the period of limitation prescribed under the act cannot act as absolute fetter on exercise of contempt power by Court.

26. The learned Additional Advocate General further submits that insofar as the interplay between Section 20 of the Act, and Article 215 of the Constitution of India, same stands settled by the directions of the Hon'ble Apex Court in the case of ***S.Tirupathi Rao V. M.Lingamaiah and others – 2024 SCC online 1764*** and the answer to the contentions urged on behalf of the petitioners can be found in the said judgment of the Apex Court.



27. The learned Additional Advocate General further contends that since, the role of the contempt petitioner is limited to bringing to the notice of the Court when is wilful disobedience and non compliance of the order obtained by him by invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, the person approaching the Court invoking the provisions of Act, should necessarily file the petition within limitation period prescribed under the Act and cannot chose to approach this Court whenever he / she wishes to do so.

28. The learned Additional Advocate General further contended that it is for the reason, that the contempt petition is not an execution proceedings to see the order is implemented but is to punish the alleged contemnor, for disobeying the orders of this Court. Thus, the limitation prescribed under the Act would come into play.

29. The learned Additional Advocate General further submits that in a given case and sufficient cause is being shown by the person approaching this Court, for not initiating contempt proceedings within the limitation period prescribed under the Act and this Court on being satisfied with the explanation / reasons for delay in approaching this Court, it is entirely on



the discretion of the Court to accept the explanation / reason for delay in initiating contempt proceedings against the respondents/ alleged contemnors.

30. The learned Additional Advocate General also contended that since, the contempt proceedings are initiated by the petitioners for non implementation of the orders obtained by them from this Court, the said orders / judgments would have to be treated as judgment in personam and not judgment in rem and therefore, the petitioners are required to approach by presenting the petitions within a limitation prescribed under Section 20 of the Act.

31. I have taken note of the aforesaid submissions made on either side on the issue of maintainability.

32. Before proceedings to deal with the contentions urged on either side, it is to be noted that the contentions urged on behalf of the petitioners are not falling for consideration of this Court for the first time. Similar contentions have been urged and considered by this Court in Cont.P.Nos.1172 of 2021, 743 and 1193 of 2022.



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33. A coordinate bench of this Court in order dated 27.09.2021 in Cont.P.No.1172 of 2021 dealing with similar contentions as urged, with regard to High Court being the Court of record under Article 215 of the Constitution of India and Section 20 of the Limitation Act not being applicable to the said proceedings, did not accept the said contentions urged.

34. The Court thereafter in its judgment dated 28.07.2022 in Cont.P.No.1193 of 2022 filed against the wilful disobedience to the order made in WP.No.33199 of 2014 dated 19.09.2016, after referring to the decisions of Hon'ble Apex Court and also the English Courts, dismissed the said contentions.

35. Further, this Court in its order dated 20.06.2022 in Cont.P.No.743 of 2022 dealing with the interplay between the Article 215 of the Constitution of India and Section 20 of the Contempt of Courts Act, 1971 held as above :-

“29. The High Court-s cannot invoke the powers under Article 215 of the Constitution of India, in all the



cases by entertaining the contempt application beyond the period of one year, so as to dilute or eradicate the law prescribed under Section 20 of the Contempt of Courts Act, 1971. All contempt applications ought to be filed within the period of limitation prescribed under Section 20 of the Contempt of Courts Act, 1971. The High Court. on exceptional circumstances, on arriving a conclusion that a gross injustice to the society or the case is of public importance, then the inherent powers provided under Article 215 of the Constitution of India, can be exercised without reference to Section 20 of the Contempt of Courts Act. A litigant may come out with an interpretation that an injustice is caused to all the orders or judgements passed by the High Courts. Such a general proposition, as advanced by the learned counsel appearing for the petitioner deserves no merit consideration. No doubt, the litigants approach the Court to get justice, that does not mean that all the contempt applications have to be entertained after a period of one year prescribed under Section 20 of the Contempt of Courts Act, 1971. Generalisation in this regard can never be encouraged. What exactly the circumstances warranting interference under Article 215 of the Constitution of India has to be decided judiciously and applying the peculiar facts and circumstances prevailing in each and every case. General application in this regard is certainly impermissible and



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Courts have to interpret these provisions in a pragmatic way than in a general manner. In other words, the principles of constructive interpretation is to be adopted while interpreting the period of limitation under Section 20 of the Contempt of Courts Act as well as Article 215 of the Constitution of India. Thus, this Court is not inclined to consider the arguments advanced by the learned counsel appearing for the petitioner by citing the above judgement of the Hon-ble Supreme Court.”

36. A Coordinate bench of this Court having already adjudicated the said issue and the said orders having attained finality. I see no reasons to take a different view from the one already expressed by this Court in Cont.P.No.743 of 2022 dated 20.06.2022.

37. It is also for the reasons that the petitioners having approached this Court seeking a specific relief applicable to them, thus, cannot claim that by not implementing the order of this Court, a gross injustice is being done to the society or the direction given by this Court is of public importance, for this Court to take note of the alleged contempt committed by the respondents.



38. It is to be noted the role of the petitioner in a contempt petition is to bring to the notice of this Court to act of alleged contempt committed by the respondent /contemnor. Thus, the role of the petitioner in contempt petition is only that of an informer. Once, it is brought to the notice of this Court, the contempt committed by the respondent for not implementing the order of this Court, it is between the Court and the respondent/contemnor and the petitioner can only assist the Court.

39. Further, the petitioners having approached this Court invoking extraordinary jurisdiction for redressal of their grievance and having obtained the order from this Court, could not have allowed the respondents to drag the matter by not implementing the directions given by this Court against the specific grievances made in the writ petitions. Though, it is contended on behalf of the petitioner that on account of the respondents not implementing the order of this Court, the same would result in continuing wrong and thus, the cause of action would be continuing cause of action, it is to be noted that what constitutes a continuing wrong giving rise to continuing cause of action has been dealt in detail by the Hon'ble Apex Court in the case of ***S.Tirupathi Rao V. M.Lingamaiah and others – 2024 SCC online 1764***, wherein the Apex Court held as under :-



“56. A caveat needs to be added here. For a “continuing wrong/breach/offence” to be accepted as a ground for seeking exemption in an action for contempt, the party petitioning the court not only has to comprehend what the phrase actually means but would also be required to show, from his pleadings, the ground resting whereon he seeks exemption from limitation. Should the party fail to satisfy the court, the petition is liable to outright rejection. Also, the court has to be vigilant. Stale claims of contempt, camouflaged as a “continuing wrong/breach/offence” ought not to be entertained, having regard to the legislative intent for introducing section 20 in the Act which has been noticed above. Contempt being a personal action directed against a particular person alleged to be in contempt, much of the efficacy of the proceedings would be lost by passage of time. Even if a contempt is committed and within the stipulated period of one year from such commission no action is brought before the court on the specious ground that the contempt has been continuing, no party should be encouraged to wait indefinitely to choose his own time to approach the court. If the bogey of “continuing



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wrong/breach/offence” is mechanically accepted whenever it is advanced as a ground for claiming exemption, an applicant may knock the doors of the Court any time suiting his convenience. If an action for contempt is brought belatedly, say any time after the initial period of limitation and years after the date of first breach, it is the prestige of the court that would seem to become a casualty during the period the breach continues. Once the dignity of the court is lowered in the eyes of the public by non-compliance of its order, it would be farcical to suddenly initiate proceedings after long lapse of time. Not only would the delay militate against the legislative intent of inserting section 20 in the Act (a provision not found in the predecessor statutes of the Act) rendering the section a dead letter, the damage caused to the majesty of the court could be rendered irreparable. It is, therefore, the essence of justice that in a case of proved civil contempt, the contemnor is suitably dealt with, including imposition of punishment, and direction as well is issued to bridge the breach.”



40. Further, in service matters, the Hon'ble Apex Court in the case of ***Shiv Dass V. Union of India - (2007) 9 SCC 247*** had held that in matter like claim for pension and other matters which are similar nature, the cause of action actually continues from month to month, and only in such cases it can be construed as continuing wrong giving rise to continuing cause of action.

41. Thus, in both the contempt petitions, the petitioners are required to demonstrate to this Court that non compliance of the directions of this Court would come within the ambit of continuing wrong for them to claim that the limitation prescribed under Section 20 of the Act, is to be reckoned from the date when the respondents failed to implement the order despite being issued with notice, cause of action having arisen and the petitions presented being within the period of limitation prescribed under Section 20 of the Act. It is to be noted that in both the writ petitions, this Court while disposing of the writ petitions had directed the respondent to take action in time bound manner. It is on expiry of the period specified by this Court and the respondent failing to act, the cause of action had arisen for the petitioner to initiate contempt proceedings within the limitation period prescribed under Section 20 of the Act.



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42. The Hon'ble Apex Court in the case of ***S.Tirupathi Rao*** (cited *supra*) held that when a direction is given to act within a particular time and the authority to whom such direction is issued failed to implement the direction of the High Court, the act of disobedience was complete as on that date itself. In other words the Apex Court held -

“the injury was not repetitive or in other words, did not arise de die in diem, but rather, it was the effect of the injury which continued till the date of first respondent presented the contempt petition.....”

43. The Hon'ble Apex Court holding as above, held that the period of limitation to initiate contempt action in such cases would commence from the said date and hence, at the expiry of limitation prescribed under Section 20 of the Act, the same would be barred by limitation.

44. Applying the law laid down by the Apex Court, since, in the facts of the present case, the petitioners having approached this Court by filing respective writ petitions and having obtained orders during the year 2021 and 2023 respectively, wherein this Court had given directions to the



respondents to act within a time frame and if the respondents failed to act within the time specified by this Court, on expiry of said time limit set by this Court has resulted in the respondent being in contempt. It is from the said date, the limitation prescribed under Section 20 of the Act starts to run, and the petitioners ought to have brought to the notice of this Court, the alleged act of contempt by the respondents, for this Court to take note of the same and proceed against the contemnors.

45. The petitioners for the reasons best known to them did not initiate any action even though in WP.No.5691 of 2021, this Court had observed that in the event of respondents not complying with the order of this Court, the petitioner is at liberty to initiate contempt on expiry of time given to the respondent to act thereunder.

46. Though, the learned senior counsel / counsel appearing on behalf of the petitioners placed heavy reliance on the decision of the Hon'ble Apex Court in the case of *Shanmugam Alias Lakshminarayanan* (cited supra), it is to be noted that the aforesaid matter before the Apex Court is by way of criminal appeal against the Suo-moto contempt proceedings initiated by the High Court on criminal side and awarding sentence on the contemnors for



being in criminal contempt of Court. The Apex Court taking note of the fact that the said proceedings arise out of the criminal contempt, held that the limitation prescribed under Section 20 of the Act would not be applicable in relation to criminal proceedings.

47. However, in the facts of the present case, since, the proceedings are not under Sections 15 of the Contempt of Courts Act and on the other hand the petitions having been filed under Section 11 of the Act, being a Civil Contempt as defined under Section 2(b) of the Act, the reliance placed on the above decision of the Apex Court would not advance the case of the petitioners.

48. Further, even on merits, it cannot be said that the petitions filed by the petitioners are exceptional one for this Court to take note of the alleged contempt brought to its notice for initiating suo-moto contempt proceedings. As noted herein above, the petitioner in Cont.P.No.2599 of 2025 having approached this Court by filing writ petition vide WP.No.5691 of 2021, and this Court having passed order on 09.03.2021, had filed the present contempt petition on 11.07.2025, after a lapse of 1586 days and in the



affidavit filed in support of the present petition, no valid or justiciable explanation is given for the said delay in approaching this Court.

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49. It is to be noted that on this Court disposing of the writ petition directing the respondents to consider the representation of the petitioner within a time period of three months and the respondents acting thereon, issued proceedings dated 31.03.2022 promoting the petitioner to the post of Technical Supervisor and the petitioner having joined in the promoted post with higher scale of pay, had also accepted the monetary benefits paid under the proceedings dated 11.10.2022. The petitioner having accepted the promotional post and also monetary benefits given to him, cannot allege the respondent being in contempt, on the ground that the decision taken on the representation is not communicated to him within a period of three weeks, more particularly, having reaped the benefit of disposal of his representation.

50. Though, it is contended that the petitioner was promoted as Technical Supervisor and the said promotion not being in the Food and Consumer Protection Department, since, it is brought to the notice of this Court that the respondent having sought for surrendering the said post, as no



appointments have taken place for considerable length of time, this Court is of the view that the respondent cannot be compelled to grant promotion to the petitioner only in the Department, where he is originally appointed or last working.

51. Further, the respondent having complied with the order of this Court substantially and the petitioner having accepted his appointment as Technical Supervisor in higher pay scale without any protest or reservation, cannot be allowed to claim, prejudice being caused to him by mere non communication of the order, more particularly when he is fully aware of the fact that as a result of disposal of his representation only he has been granted promotion to feel aggrieved for him to approach this Court by the present contempt petition. Thus, this Court is of the view that the present contempt petition is also otherwise lacks merit.

52. Insofar as the case of the petitioner in Cont.P.No.3033 of 2025 is concerned, it is contended by the respondents, that aggrieved by the order of this Court, a writ appeal has been filed and the counsel representing the respondent/ writ petitioner therein had undertaken not to press the contempt, till the writ appeal is disposed of and by changing the counsel who



represented the petitioner earlier or before the writ appeal Court, the present contempt petition is filed.

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53. Since, the petitioner having consented before the Division Bench not to press the contempt petition till the disposal of the writ appeal, cannot be allowed now to argue to the contrary.

54. In view of the above discussions, this Court is of the view that the present contempt petitions as filed are not maintainable as having been filed beyond the limitations prescribed under the Act.

55. Accordingly, both the contempt petitions are dismissed. No costs.

.11.2025

Speaking order / Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
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To

1. Dr.K.Gopal, IAS
Additional Chief Secretary to Government
Government of Tamil Nadu
Cooperative, Food and Consumer Protection Department
Secretariat, Fort St.George,
Chennai – 600 009.

2.Mr.J.Radhakrishnan, IAS
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Cont.P.Nos.2599 & 3033 of 2025



T. VINOD KUMAR, J.

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Pre-Delivery Common Order in

Cont.P.Nos.2599 & 3033 of 2025

.11.2025.