

Cont.P.Nos.609 and 610 of 2025

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 28.04.2025**

**CORAM :**

**THE HONOURABLE Ms.JUSTICE P.T.ASHA**

Contempt Petition Nos.609 and 610 of 2025

|             |                                                          |
|-------------|----------------------------------------------------------|
| T.Shankar   | ... Petitioner in both Contempt Petitions<br>Vs.         |
| N.Sankar    | ....1 <sup>st</sup> respondent in Cont.P.No.609 of 2025  |
| G.Arunkumar | ....1 <sup>st</sup> respondent in Cont.P.No.610 of 2025  |
| S.Veni      | ...2 <sup>nd</sup> Respondent in both Contempt Petitions |

Prayer:Civil Revision Petitions filed under Article 227 of the Constitution of India to take cognizance against the 2<sup>nd</sup> respondent for wilful violation of the order stay passed by this Court in C.M.P.Nos.19239 and 19241 of 2024 in Tr.C.M.P.Nos.873 and 874 of 2024.



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For Petitioner  
in both Cont.P

: Mr.B.Jawahar

For Respondents  
in both Cont.P

: Mr.M.Suresh Kumar, AAG  
assisted by Mr.A.Anandan,  
Government Advocate

### **COMMON ORDER**

A public servant who has a duty to uphold the law and maintain the integrity of administration has not only failed in the above duty, but has also, with impunity, disobeyed the orders of this Court. The impunity and the disobedience are all the more shocking in as much as she has manipulated the records.

2. The petitioner herein is the respondent in the application filed under Section 3(2)(b) of The Tamil Nadu Cultivating Tenants Protection Act, 1955 before the Revenue Court, Mayiladuthurai which Court is presiding over by the 2<sup>nd</sup> respondent.



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3. The petitioner would submit that after harvesting the paddy on 16.08.2024, he had approached the Village Administrative Officer for the issuance of Chitta and Adangal to produce it before the Government Direct Procurement Centre for the sale of paddy. The Village Administrative Officer had refused to grant the said documents stating that the 2<sup>nd</sup> respondent had passed an order not to grant Chitta and Adangal in respect of the subject survey numbers. The petitioner had demanded for a copy of this order and on perusal of the same, he came to know that the 2<sup>nd</sup> respondent in her capacity as a Presiding Officer of the Revenue Court, Mayiladuthurai, had simply sent a letter to the Village Administrative Officer not to issue Chitta and Adangal in respect of the survey numbers and there was no order passed under any proceedings. The petitioner has approached the 2<sup>nd</sup> respondent regarding this and he was rudely informed that nobody could question the 2<sup>nd</sup> respondent's power. To add insult to injury, it appears that the 2<sup>nd</sup> respondent had not issued



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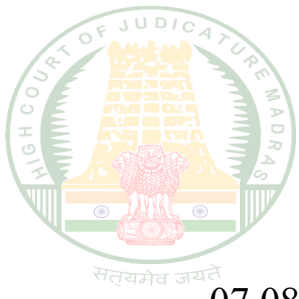
a copy of the said communication and when a copy application was filed, the 2<sup>nd</sup> respondent had refused to receive the same. Thereafter, the petitioner would submit that in the next hearing on 21.08.2024, he was present with his counsel in Court. However, his case was not called and when the counsel had informed the 2<sup>nd</sup> respondent about the case not having been called, she had abused his counsel. The 2<sup>nd</sup> respondent had conducted the Court in a biased manner and had not followed the proper procedures. Therefore, in the light of the conduct of the 2<sup>nd</sup> respondent, the 2<sup>nd</sup> respondent had filed Tr.C.M.P.Nos.873 and 874 of 2025 and had filed C.M.P.Nos.19239 and 19241 of 2024 for stay of all further proceedings in P.Nos.144 and 145 of 2024. This Court had, on 03.09.2024, passed an order of stay of all further proceedings in P.Nos.144 and 145 of 2014 before the Contemnor. The order was communicated to the 2<sup>nd</sup> respondent on the very same day, i.e on 04.09.2024. After receiving the above communication, the petitioner



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was shocked to receive an order alleged to have signed on 07.08.2024 by the 2<sup>nd</sup> respondent herein. The petitioner would submit that on 07.08.2024, he had not been served with any notice regarding the posting of the case on the said date. After 12.06.2024, the petitioner was called to appear only on 21.08.2024 on which date though he was present the matter was not taken up. Since the order has been passed after this Court had stayed the orders, the petitioner has come forward with the above Contempt Petitions.

4. This Court, on 17.04.2025, had directed the production of the records relating to all the proceedings that the Officer had dealt with between the period 26.07.2024 till 01.10.2024. On perusal of the files, it would show that from 12.06.2024, the petitioner cases were listed at Serial Nos. 132 and 133. In the next hearing on 19.06.2024, the same position continued and this continued till 26.06.2024. Thereafter, the files would show a hearing on

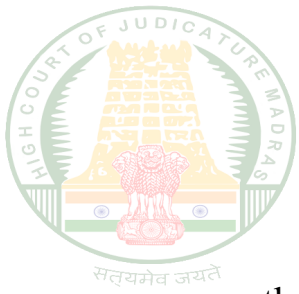


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07.08.2024 and these 2 cases are displayed as Sl.Nos.89 and 90.

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5. The record of cases has been produced before this Court. A perusal of this would show that, a notice dated 05.08.2024 containing the statement with the annexures showing the list of cases has been sent to the Secretary of the Advocate Association, Mayiladuthurai. The 89<sup>th</sup> and 90<sup>th</sup> item in the list pertain to the two cases which have been stayed by this Court. The corresponding Tapal Register does not contain any detail indicating that the notice has been dispatched. In fact, the Tapal Register would indicate that at Page No.13, a Registered letter dated 24.07.2024 bearing Na.Ka.No.41/2024 under the RTI Act has been dispatched to one U.Sekar on 29.07.2024. The next entry at Page No.14 is dated 13.08.2024. There is nothing to show that on 05.08.2024, this notice has been forwarded to the petitioner. However, on 04.09.2024, at Page No.22, it is seen that two registered letters, which are described

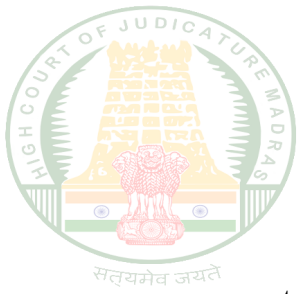


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as the order in P.No.144/2024 have been sent to N.Shankar and T.Shankar. Likewise, two letters of the same date describing it to be the order in P.No.145 of 2024 has been sent to Arun Kumar and T.Shankar. The post entries prior to that is dated 16.08.2024.

6. A mere perusal of the Tapal Register and the record of cases clearly shows that notices have never been sent to the parties but are only being sent to the Secretary, Advocate Association.

7. The fact that an order could not have been passed on 07.08.2024 is evident from the fact that there is no entry in the Tapal Register to show the despatch of the order to the petitioner, in fact there are no Tapals sent after 29.07.2024 as the next Tapal is sent only on 13.08.2024 after the alleged order. If the order had been passed on 07.08.2024, it would have been despatched atleast on 16.08.2024. It is only after the information that stay has been



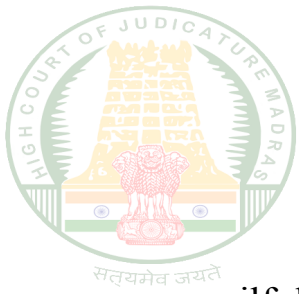
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granted that the Contemnor has forwarded the alleged order to the petitioner on 04.09.2024. Further, if the Contemnor had really passed the order on 07.08.2024 itself, she would have immediately, on coming to know about the stay order that has been passed by this Court, bring the same to the notice of this Court. Had an order been passed on 07.08.2024, the petitioner would not have filed Tr.C.M.P on 23.08.2024. The contemnor who has been present before this Court shows no remorse for action and is not repentant.

8. Section 2(b) of the Contempt of Courts Act describes Civil Contempt as follows:

*“A disobedience of the Court also constitutes a contempt.”*

In the instant case, the Contemnor has committed a contempt by disobeying the order of stay of this Court. This Court finds that by manipulating the records to predate the order, the disobedience is



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9. In the judgment of the Hon'ble Supreme Court, reported in **(2017) 8 SCC 435 [Avishek Raja and Others Vs Sanjay Gupta]**, the Hon'ble Supreme Court elaborated on the contours of the power of the Court in so far as it relates to Civil Contempt as follows:

*“20. The contours of power of the Court so far as commission of civil contempt is concerned have been elaborated upon in a number of pronouncements of this Court. Illustratively, reference may be made to the following observations in Kapildeo Prasad Sah v. State of Bihar [Kapildeo Prasad Sah v. State of Bihar, (1999) 7 SCC 569 : 1999 SCC (L&S) 1357] : (SCC pp. 573-74, paras 9-11)*

*“9. For holding the respondents to have committed contempt, civil contempt at that, it has to be shown that there has been wilful disobedience of the judgment or order of the*



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*court. Power to punish for contempt is to be resorted to when there is clear violation of the court's order. Since notice of contempt and punishment for contempt is of far-reaching consequence [and] these powers should be invoked only when a clear case of wilful disobedience of the court's order has been made out. Whether disobedience is wilful in a particular case depends on the facts and circumstances of that case. Judicial orders are to be properly understood and complied with. Even negligence and carelessness can amount to disobedience particularly when the attention of the person is drawn to the court's orders and its implications. ...*

*10. ... Jurisdiction to punish for contempt exists to provide ultimate sanction against the person who refuses to comply with the order of the court or disregards the order continuously.*

...



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*11. No person can defy the court's order. Wilful would exclude casual, accidental, bona fide or unintentional acts or genuine inability to comply with the terms of the order. A petitioner who complains breach of the court's order must allege deliberate or contumacious disobedience of the court's order.”*

*(emphasis supplied)*

10. In the judgment reported in **(1999) 7 SCC 569 [Kapildeo Prasad Sah and Others Vs State of Bihar and Others]** where there was carelessness in the implementation of the Court's order even after the same was brought to the notice of the authorities, this Court had observed as follows:

*“9. For holding the respondents to have committed contempt, civil contempt at that, it has to be shown that there has been wilful disobedience of the judgment or order of the court. Power to punish for contempt is to be resorted to when there is clear*



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*violation of the court's order. Since notice of contempt and punishment for contempt is of far-reaching consequence, these powers should be invoked only when a clear case of wilful disobedience of the court's order has been made out. Whether disobedience is wilful in a particular case depends on the facts and circumstances of that case. Judicial orders are to be properly understood and complied with. Even negligence and carelessness can amount to disobedience particularly when the attention of the person is drawn to the court's orders and its implications. Disobedience of the court's order strikes at the very root of the rule of law on which our system of governance is based. Power to punish for contempt is necessary for the maintenance of effective legal system. It is exercised to prevent perversion of the course of justice. ”*



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11. In the judgment reported in **(2014) 16 SCC 204 [Ram Kishan Vs. Tarun Bajaj and Others]**, the Hon'ble Supreme Court had observed that in order to punish a Contemnor, it has to be established that the disobedience was wilful. The Hon'ble Supreme Court has observed as follows in Paragraph No.12.

*“12. Thus, in order to punish a contemnor, it has to be established that disobedience of the order is “wilful”. The word “wilful” introduces a mental element and hence, requires looking into the mind of a person/contemnor by gauging his actions, which is an indication of one's state of mind. “Wilful” means knowingly intentional, conscious, calculated and deliberate with full knowledge of consequences flowing therefrom. It excludes casual, accidental, bona fide or unintentional acts or genuine inability. Wilful acts does not encompass involuntarily or negligent actions. The act has to be done with a “bad purpose or without*



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*justifiable excuse or stubbornly, obstinately or perversely”. Wilful act is to be distinguished from an act done carelessly, thoughtlessly, heedlessly or inadvertently. It does not include any act done negligently or involuntarily. The deliberate conduct of a person means that he knows what he is doing and intends to do the same. Therefore, there has to be a calculated action with evil motive on his part. ”*

12. In **Anil Ratan Sarkar and others V. Hirak Ghosh and others** [2002 (4) SCC 21], the Hon’ble Supreme Court had held that, “*The Contempt of Courts Act, 1971 has been introduced in the statute book for securing confidence of people in the administration of justice. If the order passed by a competent court is clear and unambiguous and not capable of more than one interpretation disobedience or breach of such orders would amount to contempt of court. There can be no laxity in such a situation because otherwise the court’s order would become the*



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subject of mockery”  
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13. The instant case is a classic example of wilful contempt. After getting to know about the order of stay, the records have been manipulated to show as if the order had been passed much before the said period, i.e on 07.08.2024 in order to overcome the stay.

14. Since there is a wilful disobedience of the orders of this Court, the Contemnor is found guilty of contempt of Court. The Contemnor / 2<sup>nd</sup> respondent shall be detained in a civil prison for 2 days with fine of Rs.2,000/-. In addition, the concerned authorities are also directed to initiate disciplinary proceedings against the Contemnor, as she being a public servant entrusted with the duty of upholding the law and maintaining the integrity of administration, has faltered in this duty cast upon her. The sentence of detention above is suspended till 15.06.2025 to enable the Contemnor to move



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an appeal.

15. In the light of the fact that this Court has found the Contemnor guilty of contempt of Court and the fact that there has been manipulation of records, the order passed by her on 07.08.2024 is set aside and P.Nos.144 and 145 of 2024 is restored to file. The same shall be heard by the Revenue Divisional Officer, Nagapattinam. An apology has been submitted by the Contemnor before this Court today. However, this Court finds that the apology is nothing but a mere lip service.

15. Accordingly, these Contempt Petitions are disposed of

28.04.2025

Index :Yes/No

Internet: Yes/No

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To

The Public Prosecutor,  
High Court, Madras

16/17



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**P.T.ASHA.J,**

srn

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