



Contempt Petition (MD)No.925 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2025

CORAM:

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

Contempt Petition (MD)No.925 of 2023

In

W.P.(MD)No.7213 of 2017

S.Kailasam,
S/o.Thiru.Shanmugasundara Sivachariyar,
Archakam in Arulmigu Kasi Viswanathaswami Thirukoil,
Somarasampettai Village,
Srirengam Taluk,
Tiruchirapalli.

Petitioner/Petitioner

Vs

S.Selvaraj,
Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowment,
Tiruchirapalli – 6.

Contemnor/Respondent

PRAYER: Contempt Petition is filed under Section 11 of Contempt of Courts Act, to punish the Contemnor/Respondent for willfully disobeying and not complying with the order passed by this Court in W.P(MD)No. 7213 of 2017, dated 26.07.2021.

For Petitioner : Mr.H.Lakshmi Shankar

For Respondent : Mr.V.Chandrasekar



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ORDER

This is a petition seeking initiation of contempt proceedings against the Respondent for alleged violation of the order, dated 26.07.2021 passed by the Writ Court in W.P.(MD)No.7213 of 2017.

2. Heard Mr.H.Lakshmi Shankar, learned counsel appearing for the Petitioner and Mr.V.Chandrasekar, learned counsel, who accepts notice on behalf of the Respondent. Therefore, no further notice is required to be issued to the Respondent.

3. The Contempt Petition has been filed for non compliance of the judgment and order passed by the Writ Court in W.P.(MD)No.7213 of 2017 dated 26.07.2021 and the learned Single Judge of the Writ Court allowed the said Writ Petition in the following terms:

“4. Having regard to the aforesaid submissions made, this Court without expressing any view on the correctness or entitlement of the claim made, passes the following order:-



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(i) the Second Respondent shall immediately consider the claim of the Petitioner for extending the benefit of scale of pay granted in the said Government Order, if he is eligible for the same.

(ii) if it is found that the Petitioner has not produced any details or supporting documents satisfying the eligibility criteria for the benefits claimed, the deficiencies in that regard shall be informed in writing to him and the Third Respondent requiring the same to be furnished within a time frame of not less than 10 working days;

(iii) in the event of the Second Respondent not being satisfied with the compliance of the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and the Third Respondent to explain their position in that regard and the Second Respondent shall pass reasoned orders dealing with each of the contentions raised on merits and in accordance with law and communicate the decision taken to the concerned parties by 30.11.2021 under written acknowledgment;



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(iv) if the Petitioner is entitled to the claim made, it shall be ensured that the eligible amount is paid in four monthly installments from the date of passing of that order; and

(vi) report of compliance in that regard shall be filed before the Registrar (Judicial) of this Court without fail.

5. The Writ Petition is disposed on the aforesaid terms. No costs.”

4. The learned counsel for the Petitioner further submits that despite the judgment and order passed by the Writ Court dated 26.07.2021 in W.P.(MD)No.7213 of 2017 of 2022, the Respondent has not complied with the directions of the Writ Court and they have wilfully and deliberately flouting the orders passed by the Writ Court. Thus, the learned counsel submits that the Respondent is in contempt and he may be summoned before this Court and punished for committing contempt by exercising the powers under Sections 11 and 12 of the Contempt of Courts Act, 1971.



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5. Mr.V.Chandrasekar, learned counsel for the respondent, submits that the respondent has complied with the order of the Writ Court dated 26.07.2021, passed in W.P.(MD) No. 7213 of 2017. In this regard, an order dated 27.10.2021, was passed by the Joint Commissioner of Hindu Religious and Charitable Endowments Department, wherein it was stated that the petitioner was already receiving a consolidated pay of Rs.1,000/- per month, which could be increased to Rs.3,000/- per month, considering the livelihood of the petitioner, based on the recommendation of the Executive Officer of the Temple. Consequently, the Executive Officer of the Temple was permitted to pay the petitioner a consolidated pay of Rs.3,000/- per month. Furthermore, the Executive Officer was directed to fix a time scale of pay once the financial position of the temple improves. The petitioner filed an objection dated 23.11.2021, which was decided by the Joint Commissioner of Hindu Religious and Charitable Endowments Department vide order dated 28.03.2022. The Joint Commissioner stated that due to the temple's poor financial position, the Executive Officer was directed to act according to the order dated 27.10.2021.



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6. Thereafter, the petitioner sent a contempt notice dated 09.07.2022, to the Joint Commissioner of Hindu Religious and Charitable Endowments Department, Tiruchirappalli, for non-compliance with the judgment and order of the Writ Court dated 26.07.2021. In response, the Joint Commissioner, in his letter dated 25.07.2022, stated that in compliance with the Writ Court's order, the petitioner's representation was considered, and the monthly salary was raised to Rs.3,000/- as consolidated pay, based on the temple's financial position. Thus, Mr.V.Chandrasekar submits that the Respondent has taken all necessary steps to comply with the Writ Court's order.

7. The learned counsel for the respondent further submits that the petitioner has filed a writ petition in W.P.(MD)No.10803 of 2023, challenging the orders dated 27.10.2021, 28.03.2022, and 25.07.2022, passed by the Joint Commissioner of Hindu Religious and Charitable Endowments Department, Tiruchirappalli and the petitioner has also sought a consequential direction to fix a time scale of pay and pay the same, including arrears, in respect of the petitioner, as per paragraph 4(iii)

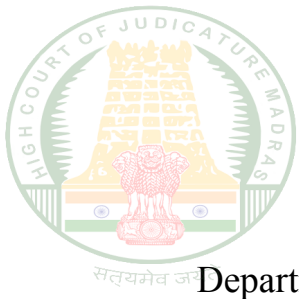


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(4) of G.O.Ms. No. 62 of Tourism, Culture and Endowment Department dated February 18, 2015, with effect from the date of regularization, i.e., February 18, 2015. This writ petition is currently pending consideration before the Writ Court. The learned counsel also submits that the present Contempt Petition has now become infructuous, as the respondent has already taken a decision in compliance with the judgment and order passed by the Writ Court in W.P.(MD) No. 7213 of 2017 dated 26.07.2021. Whatever relief is prayed for by the petitioner in W.P.(MD) No. 10803 of 2023 will be considered by the Writ Court, where the writ petition is pending. The relief sought cannot be granted in the present Contempt Petition. Thus, he prays that the respondent may be discharged from the contempt proceedings and the contempt petition may be dismissed accordingly.

8. The learned counsel for the petitioner concurs with the submission made by the learned counsel for the respondent and submits that the petitioner has challenged the orders dated 27.10.2021, 28.03.2022 and 25.07.2022 in W.P.(MD)No.10803 of 2023 passed by the Joint Commissioner of Hindu Religious and Charitable Endowments

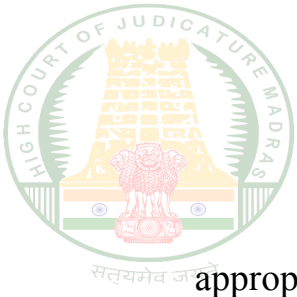


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Department, Tiruchirappalli. The writ petition is still pending before the Writ Court for adjudication. He seeks liberty to pursue the aforementioned writ petition before the learned Single Judge of the Writ Court.

9. After considering the submissions made by the learned counsel for the petitioner and the learned counsel for the respondent, and upon perusal of the judgment and order dated 26.07.2021, in W.P.(MD) No. 7213 of 2017 passed by the Writ Court, and the orders dated 27.10.2021, 28.03.2022, and 25.07.2022, passed by the Joint Commissioner of Hindu Religious and Charitable Endowments Department, Tiruchirappalli, it was brought to the notice of this Court that a writ petition in W.P.(MD) No. 10803 of 2023 has been filed challenging the aforementioned orders. Since the writ petition is still pending adjudication before the Writ Court, there is no further justification in continuing the present Contempt Petition.

10. This Court finds that the relief sought by the petitioner shall be considered and granted by the learned Single Judge of the Writ Court in W.P.(MD) No. 10803 of 2023. Therefore, this Court is not inclined to entertain the present Contempt Petition. Consequently, this Court deems it



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appropriate to discharge the respondent from the contempt proceedings.

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Accordingly, the respondent is discharged from the contempt proceedings.

11. In view of the above, the Contempt Petition stands **dismissed**, with liberty to the petitioner to pursue the writ petition in W.P.(MD) No. 10803 of 2023 pending before the learned Single Judge of the Writ Court. The file shall be consigned to the records. There shall be no order as to costs.

09.07.2025

Nsr

Index: Yes/No

Web: Yes/No

Speaking/Non Speaking

To:

The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowment,
Tiruchirapalli – 6.



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SHAMIM AHMED, J.

Nsr

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