



Contempt Petition (MD)No.2548 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Contempt Petition (MD)No.2548 of 2023

In

W.P.(MD)No.21272 of 2021

G.Subramanian,  
S/o.Gurunathan,  
33, Rajaji New Street,  
Agraharam Street,  
Sattur,  
Virudhunagar District.

Petitioner/Petitioner

Vs

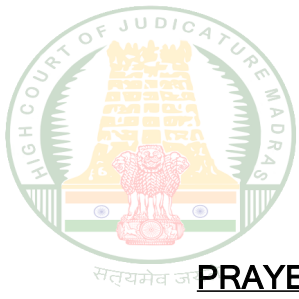
1.Mr.S.Jegatheesan,  
Secretary,  
Shri S.Ramasamy Naidu Memorial College,  
Sattur,  
Virudhunagar District.

1<sup>st</sup> Contemnor/5<sup>th</sup> Respondent

2.Dr.G.Geetha,  
Director,  
The Directorate of Collegiate Education,  
9<sup>th</sup> Floor, EVK Sampathy Building,  
College Road,  
Chennai.

3.Mr.Ponmuthuramalingam,  
The Joint Director of Collegiate Education,  
Palam Station Road,  
Sellur,  
Madurai - 625 002.

Contemnors 2 & 3/Respondents 3 & 4



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**PRAYER:** Contempt Petition is filed under Section 11 of Contempt of Courts Act, 1971, to punish the Contemnors/Respondents 5,3,4 for willfully disobeying and not complying with the order passed by this Court in W.P(MD)No.21272 of 2021, dated 05.04.2022.

For Petitioner : Mr.S.Satheesh Kumar

For Respondents : Mr.Mahaboob Athiff  
For R-1  
Mr.F.Deepak  
Special Government Pleader  
For R-2 & R-3

### ORDER

This is a petition seeking initiation of contempt proceedings against the Respondents for violation of the order, dated 05.04.2022 passed by this Court in W.P.(MD)No.21272 of 2021.

2. Heard Mr.S.Satheesh Kumar, learned counsel for the Petitioner, Mr.Mahaboob Athiff, learned counsel for the 1<sup>st</sup> Respondent and Mr.F.Deepak, learned Special Government Pleader for the Respondents 2 & 3.

3. Mr.S.Satheesh Kumar, learned counsel for the Petitioner submits that the present Contempt Petition has been filed before this Court for non compliance of the judgment and order passed by this Court dated 05.04.2022 in W.P.(MD)No.21272 of 2021.



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4. Mr.Mahaboob Athiff, learned counsel for the 1<sup>st</sup> Respondent and Mr.F.Deepak, the learned Special Government Pleader for the Respondents 2 & 3 raised a preliminary objection regarding the maintainability of the present Contempt Petition. They submitted that the Petitioner had previously filed Contempt Petition (MD) No. 1192 of 2022 before this Court regarding the violation of the judgment and order passed in the same Writ Petition, i.e., W.P. (MD) No. 21272 of 2021 dated 05.04.2022. The Contempt Petition was closed by the co-ordinate bench of this Court vide order dated 16.11.2022, with reference to W.P. (MD) No. 25833 of 2022, which was allowed on the same date.

(a) To facilitate better understanding, the relevant portion of the order dated 16.11.2022 in Contempt Petition (MD)No.1192 of 2022 is reproduced below:

*“In view of the order made in W.P.(MD)No.25833 of 2022, the contempt petition is closed.”*

(b) To facilitate better understanding, the relevant portion of the order dated 16.11.2022 passed in W.P.(MD)No.25833 of 2022, is reproduced below:

*“3. A bare reading of the impugned order would indicate that it has been passed without notice. The proceedings have been triggered by initiation of the contempt proceedings by the third respondent herein. Since the order suffers from clear violation of the principles of natural justice, I set aside the*



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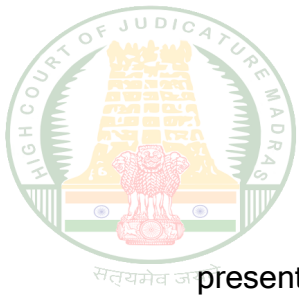
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*same. The matter is remitted to the file of the second respondent. The second respondent will issue notice to the writ petitioner as well as the third respondent and thereafter, pass final order on merits and in accordance with law. I make it clear that I have not gone into the merits of the matter. All the contentions of the petitioner are left open. This exercise shall be completed within a period of sixteen weeks from the date of receipt of a copy of this order.*

*4. The Writ Petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed."*

5. The learned counsel for the Respondents further submitted that, pursuant to the above, the 3<sup>rd</sup> Respondent had passed a detailed order dated 13.02.2024. They argued that since the order dated 13.02.2024 complies with the Writ Court's order dated 05.04.2022 in W.P.(MD)No.21272 of 2021 and the Contempt Court's order dated 16.11.2022 in Contempt Petition (MD)No.1192 of 2022, the Petitioner, if aggrieved by the order, has the remedy to approach the competent court of law to challenge the same.

6. It was further submitted that there is no justification for filing this fresh contempt petition before this Court, as the earlier order passed by the co-ordinate bench of this Court was already closed vide order dated 16.11.2022 in Contempt Petition (MD)No.1192 of 2022. Therefore, it was submitted that the



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present Contempt Petition be dismissed with costs, and the Respondents be discharged from the contempt proceedings.

7. Mr.F.Deepak, the learned Special Government Pleader, produced a copy of the order dated 13.02.2024 before this Court and furnished the same to the learned counsel for the Petitioner and the 1<sup>st</sup> Respondent. The copy of the said order has been taken on record.

8. After considering the arguments as advanced by the learned counsel for the parties and after perusal of the judgment and order dated 05.04.2022 in W.P.(MD)No.21272 of 2021 and also the order passed by the co-ordinate bench of this Court dated 16.11.2022 in Contempt Petition (MD)No.1192 of 2022, by which the said Contempt Petition was closed with reference to W.P.(MD)No. 25833 of 2022 and also after perusal of the judgment and order dated 16.11.2022 in W.P.(MD)No.25833 of 2022 as well as the order passed by the 3<sup>rd</sup> Respondent dated 13.02.2024, this Court is satisfied that the preliminary objections raised by the learned counsel for the Respondents are correct. Therefore, the present Contempt Petition is not maintainable, as this Court has already closed the earlier Contempt Petition (MD)No.1192 of 2022 vide order dated 16.11.2022, which pertained to the violation of the order dated 05.04.2022 passed in W.P.(MD)No.21272 of 2021. Moreover, the 3<sup>rd</sup>



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Respondent has passed a fresh order dated 13.02.2024. Consequently, if the Petitioner is aggrieved by the said order, he may approach the competent court of law to challenge the same.

9. With the above observations, this Contempt Petition is dismissed. The Respondents are discharged from the contempt proceedings. The file shall be consigned to record. There shall be no order as to costs.

14.03.2025

NCC:yes/no  
Index:yes/no  
Internet:yes/no  
**Nsr**

To:

- 1.The Secretary,  
Shri S.Ramasamy Naidu Memorial College,  
Sattur,  
Virudhunagar District.
- 2.The Director,  
The Directorate of Collegiate Education,  
9<sup>th</sup> Floor, EVK Sampathy Building,  
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**SHAMIM AHMED, J.**

Nsr

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