



Cont.P(MD)No.3071 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cont.P(MD)No.3071 of 2025

in

W.P(MD)No.10731 of 2023

R.Rajaram

... Petitioner /
Petitioner

Vs.

Karunakaran,
Additional Superintendent of Police,
ADSP / Enquiry Officer,
Head Quarters Madurai District,
Madurai.

... Contemnor /
2nd Respondent

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, to punish the Contemnor / 2nd Respondent for willful deliberate disobedience of the order passed by this Court in WP(MD). No.10731 of 2023 dated 21.06.2023.

For Petitioner : Mr.V.Panneer Selvam



Cont.P(MD)No.3071 of 2025

For Respondent : Mr.S.Kameswaran
Government Advocate

ORDER

Heard both sides.

2.On 28.10.2025, the following order was passed:

“Heard both sides.

2. The writ petitioner is a retired Inspector of Police. He is facing disciplinary action. In order to bolster his defence, the petitioner wanted a copy of the proceedings dated 23.09.2013 given by the Deputy Legal Adviser to the Director of V & AC, Chennai. The authority declined to comply with the said request. Hence, W.P.(MD)No.10731 of 2023 was filed. I negatived the stand of the authority and directed the respondent to furnish a copy of the document sought for by the writ petitioner. Contending that this direction given by this Court has not been complied with, the present contempt petition has been filed.

3. When the matter was taken up for hearing, the learned Government Advocate submitted that the report dated 23.09.2013 said to have been sent by the Deputy Legal Adviser, V & AC, Madurai is not



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Cont.P(MD)No.3071 of 2025

available on the file of the authority. In normal circumstances, if the document is not available, no direction can be issued to compel the authority to part with the document. Law will not compel the performance of something impossible. But this was not the stand taken when the petitioner's request was rejected. Even before me, it was argued that the opinion of the Deputy Legal Adviser is a privileged document under Section 122 of the Indian Evidence Act, 1872.

4. Having taken such a stand earlier, it is not open to the respondents to now claim that the document in question is not available. Of-course, in fairness to the respondents, even the counter affidavit filed by the then enquiry officer also reads that the document in question is not available with the disciplinary authority. I therefore direct the DIG of Police, Madurai Range, who was the first respondent in the writ petition to enquire with the Director, Vigilance and Anti-Corruption, Chennai and file a personal affidavit if Letter No.58/2013, dated 23.09.2013 which was a relied upon document is available or not. The DIG of Police, Madurai will also explain as to why the stand now taken was not taken earlier.”



Cont.P(MD)No.3071 of 2025

3.Pursuant to the direction given by this Court, the DIG of Police, Madurai Range, Madurai has filed affidavit. I am satisfied with the explanation set out in the affidavit.

4.This Contempt Petition stands closed.

18.11.2025

Index : Yes / No
Internet : Yes/ No
NCC : Yes / No
MGA

To

The Additional Superintendent of Police,
ADSP / Enquiry Officer,
Head Quarters Madurai District,
Madurai.



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Cont.P(MD)No.3071 of 2025

G.R.SWAMINATHAN, J.

MGA

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