

R. Subramaniam

v.

Murugappa Gounder

(Supreme Court Of India)

HON'BLE CHIEF JUSTICE MR. P. SATHASIVAM HON'BLE MR. JUSTICE  
RANJAN GOGOI HON'BLE MR. JUSTICE M.Y. EQBAL

Civil Appeal No. 1793 Of 2014 | 31-01-2014

1. Though the Respondents duly served with notice but are not represented by counsel. Heard learned senior counsel for the Appellant.

2. Leave granted. The only grievance of the learned senior counsel appearing on behalf of the Appellant is that though the learned Single Judge accepted the apology tendered by the Appellant and Respondent No. 2 herein, forwarded a copy of the order passed in the contempt petition to the Principal Secretary and the Commissioner of Land Administration, Chepauk, Chennai, for initiating appropriate action.

3. We have gone through the order dated 29-6-2012 passed by the learned Single Judge in Murugappa Gounder Vs. S. Paramewaran (Contempt Petition No. 30 of 2012, order dated 29-6-2012 (mad). In paras 20 and 21 the learned Single Judge clearly accepted the “unconditional apology” tendered by Respondents 1 and 3 therein. In spite of acceptance the learned Judge directed the authority to take action against them. When the said order was challenged in Contempt Appeal No. 3 of 2012, the Division Bench by its impugned order (R. Subramaniam v. Murugappa Gounder, Contempt Appeal No. 3 of 2012, order dated 27-7-2012 (Mad) confirmed the same and dismissed the appeal.

4. In the light of the fact that the persons concerned including the appellant herein have made unconditional apology in the form of an affidavit and which having been accepted by the learned Single Judge, we are of the view that further direction to the Department concerned for taking appropriate action is neither permissible nor is warranted. Accordingly, the said direction as found in

para 20 of the order of the learned Single Judge (supra) and the confirmation order of the Division Bench (supra) are set aside.

5. The appeal is allowed on the above terms. No costs.