

CONT P(MD) NO. 3594 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03-12-2025

CORAM

THE HONOURABLE MR JUSTICE G.R.SWAMINATHAN

CONT P(MD) No.3594 of 2025

Rama.Ravikumar
S/o.S.Ramar,
Ward No.5,
9/36, Nehruji Street,
(Santhana Mariamman Kovil Street),
Ezhumalai, Peraiyur Taluk
Madurai District.

Petitioner

Vs

- 1.K.J.Praveenkumar IAS,
District Collector,
Madurai.
- 2.J.Loganathan IPS,
Commissioner of Police,
Madurai City.
- 3.Yagna Narayanan,
Executive Officer,
Arulmigu Subramania Swamy Temple,
Thirupparankundram,
Madurai.

Respondents



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For Petitioner(s):

Mr.RM.Arun Swaminathan

For Respondent(s):

Mr.J.Ravindran,
Addl. Advocate General,
Assisted by Mr.S.S.Madhavan,
Addl. Government Pleader for R1

Assisted by Mr.S.Ravi,
Addl. Public Prosecutor Pleader for R2.

Mr.V.Chandrasekar for R3

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish upon the Contemnors/Respondents No.1,2 and 4 for willful disobedience of the order passed by this Honourable Court in WP(MD) No.32317 of 2025 dated 01.12.2025 according to law.

ORDER

The petitioner herein was one of the writ petitioners who moved this Court for directing the management of Arulmighu Subramaniya Swamy Temple, Thirupparankundram, Madurai to light Karthigai Deepam at the lower peak of the hillock (Deepathoon). The writ petitions were allowed by me on 01.12.2025. Order copy was issued immediately. The event falls today at 06.00 P.M. Contending that no



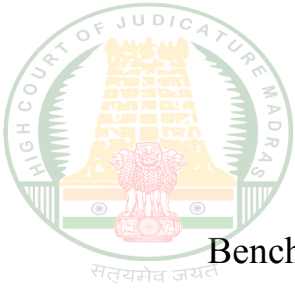
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arrangement has been made for lighting the Deepam and that the order of this Court is definitely going to be breached, this contempt petition came to be filed.

2.The matter was taken up at 05.00 PM. Shri.J.Ravindran, the Additional Advocate General submitted that the contempt petition is premature and that it deserves to be closed. Taking note of the said submission, I passed over the matter to be taken up at 06.05 PM. The Deepam had been lit at Uchi Pillaiyar Temple at 06.00 PM. But there has been no lighting of the Deepam at the Deepathoon as directed by this Court vide order dated 01.12.2025 in WP(MD)No.32317 of 2025 etc.,

3.That contempt has been committed is beyond dispute. The order of this Court has been breached.

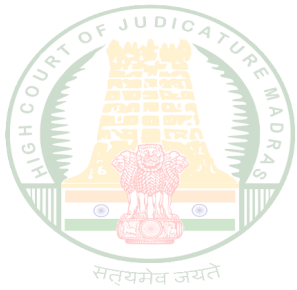
4.The order of this Court was passed on 01.12.2025. Order copy was issued on the same day. The respondents had every opportunity to list the matter even in regular course today before the Hon'ble Division



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Bench. It appears that the Executive Officer representing the temple alone had filed the writ appeal yesterday (02.12.2025) and that too in a defective format. Registry informs me that the papers have been taken by the temple's counsel. The Dargha which alone can be said to be the aggrieved person does not appear to have filed any appeal. The temple cannot be said to be aggrieved by the order of this Court at all. That is why, I am impelled to think that the filing of the appeal by the temple in a defective format is a ruse to disobey the order of this Court.

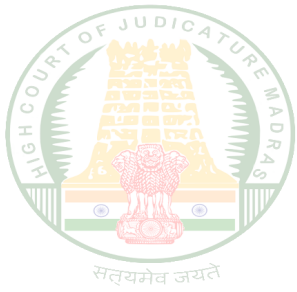
5.I had specifically directed that the temple management must light the Deepam today at 06.00 PM. The E.O representing the temple was fastened with that responsibility. When I wanted to know as to what he proposed to do, Shri.Chandrasekhar, the learned counsel for the temple replied that he is not able to contact Thiru.Yagna Narayanan, E.O. Clock cannot be put back. The authorities have made it clear that they would not implement the order of this Court.



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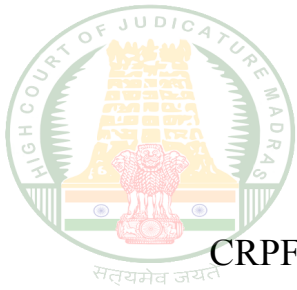
6.I had passed the order sitting in Single Bench. So long as my order is not stayed or set aside by the Hon'ble Division Bench of this Court or by the Hon'ble Supreme Court, it has to be complied with in letter and spirit. The Executive cannot remain in hibernation. A positive direction to act has been issued. By remaining inactive, the authorities are defying the order of this Court.

7.Let me remind the respondents that the Hon'ble Supreme Court in a very recent Judgment dated **09.05.2025 in SLP(C)Nos.10056-10057 of 2025(TATA Mohan Rao Vs. S.Venkateswarlu and Others Etc.)** had observed that when a Constitutional Court or for that matter, any Court issues any direction, every person or authority regardless of rank, is duty bound to respect and comply with that order. Disobedience of the orders passed by the court attacks the very foundation of the rule of law on which the edifice of a democracy is based. His Lordship The Hon'ble Mr.Justice B.R.Gavai, the then Chief Justice of India remarked that they were confirming the conviction under the Contempt of Courts Act, 1971 only to send across the right message. It was observed by His Lordship that a clear message should be sent so that no one, howsoever high they may be, may think that they are above the law.



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8. There is another hard-hitting judgment of the Kerala High Court in Contempt Case (c) No.2615 of 2019 vide order dated 08.12.2020 rendered by His Lordship Mr. Justice P.B. Suresh Kumar. Several paragraphs of the judgment deserve to be quoted verbatim. The learned Judge observes that a judgment or a direction of a court is of no use if it is not enforceable. The judiciary has no machinery of its own to enforce its judgments and directions. In a country, the Constitution of which is built on the principle of rule of law, if the State does not implement the directions of the court, that will be the end of the rule of law and there would be a constitutional stalemate. The Constitution fastens on all authorities a non-negotiable obligation to enforce orders of the court and the authorities who are bound to comply with the orders have no discretion whether or not to abide by the decision of the Court, whatever be the reasons for the same. The High Court is the highest court in the State. The Constitution confers on the High Court vast powers to ensure that constitutional guarantee of justice to all is truly fulfilled. This depends on the respectful and faithful obedience of its commands by the executive. The Hon'ble Judge went to the extent of indicating that if the direction of the court is not complied with, the DIGP, Group Centre,



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CRPF, Pallipuram shall take over the religious institution. The Assistant Solicitor General of India was directed to communicate the order to the DIGP, Group Centre, CRPF, Pallipuram.

9.The fundamental rights of the writ petitioner are involved. Rule of law is at stake. The State administration has decided to cock a snook at this Court's order. Merely admitting the contempt petition and issuing statutory notice will not serve the purpose. I had not ordered the execution of anybody. I had not ordered demolition of any building. No irreversible consequence will ensue if the order of this Court is obeyed. On the other hand, defying the order of this Court would send a very bad signal. It would encourage the officials to indulge in such conduct in future also. That would sound the death knell of democracy itself.

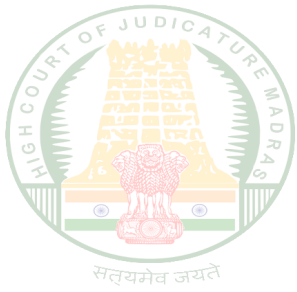
10.The State has not filed any appeal. The Dargha which can be said to be the aggrieved person in the legal sense of the term has not obtained stay of this Court's order. The temple management after filing the papers had taken them back. It is true that 30 days time is available



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for filing writ appeal. But on that ground, the conduct of the official respondents cannot be condoned. There are moments when the court has to take the call to take appropriate measures to enforce its order.

11. The majesty of the Court and the authority of law must be upheld. This can be achieved only if the offending act is effaced. Contempt jurisdiction is not only about punishment but also about restoring the status quo that obtained following the judicial order and before the offending act was committed. Halsbury's Laws of England states that the Court may invoke other remedies in lieu of punitive action. In *AG V. Times Newspapers Ltd., (1973) 3 All ER 54*, the house of Lords addressing the question as to whether the publication of Articles in respect of a pending litigation would amount to contempt; granted injunction restraining publication that may pre-judge the issue. When injunction can be granted in exercise of Contempt jurisdiction, certainly the power to set aside the offending action is also equally available.



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12. Article 129 of the Constitution of India states that the Supreme Court shall be a Court of record and shall have all the powers of such a Court including the power to punish for contempt of itself. Article 215 of the Constitution of India states that every High Court shall be a Court of record and shall have all the powers of such a Court including the power to punish for contempt of itself. These two Articles do not confer any new jurisdiction or status on the Supreme Court and the High Courts. They merely recognise a pre-existing situation. Such inherent power to punish for contempt is summary. It is not governed or limited by any rules of procedure except for the principles of natural justice. This jurisdiction is inalienable. It cannot be taken away or whittled down by any legislative enactment subordinate to the Constitution. The provisions of Contempt of Courts Act, 1971 are in addition to or not in derogation of the Articles 129 and 215 and they cannot be used for limiting or regulating the exercise of the jurisdiction contemplated by the said Articles. [*T.Sudhakar Prasad V. Government of Andhra Pradesh (2001) 1 SCC 516*] . When it is brought to the notice of the Court that its order has been willfully disobeyed, the accused may be punished with simple imprisonment for a term which may extend to six months or with

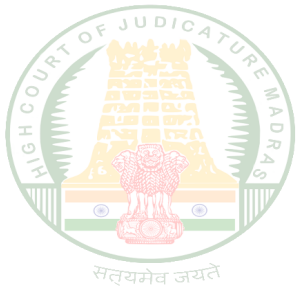


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fine which may extend to Rs.2,000/- or with both. [Section 12 of the Contempt of Courts Act, 1971]. When the Constitutional Court is confronted with an act of Contempt, its powers are not limited to handing out sentences alone. In Elliot V. Klinger (1967) 1 WLR 1165, the following passage from Oswald's Contempt of Court was cited:

“The Court, however has, power to restrain by injunction threatened contempts. It is competent for the Court where a contempt is threatened or has been committed, and on an application to commit, to take the lenient course of granting an injunction instead of making an order for committal or sequestration, whether the offender is a party to the proceedings or not.”

In *Howarth V. Howarth (L.R.) 11 P.D. 95*, it was held that when steps are taken for enforcing an order, the respondent has no right to say that he prefers going to prison; he is compellable to obey the order of the Court. **It was not beyond the power of the Court to ensure obedience of its order by directing the act to be done by some person appointed for that purpose instead of enforcing its order by imprisonment.**



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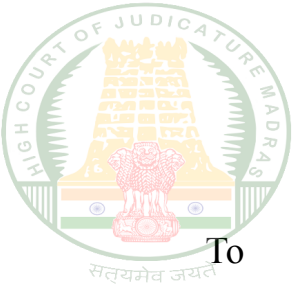
13.I intend to adopt the approach suggested above. The Executive Officer has made his position clear by his conduct. I, therefore, permit the petitioner to go up the Hill and light at the Deepathoon. I am conscious that this is only a symbolic gesture. But the importance of symbolism cannot be lost sight of. The petitioner can take ten other persons along with him including the other petitioners. Such assistance is required to carry the articles. I direct the Commandant, CISF Unit, Madurai Bench of the Madras High Court to send a team of CISF Personnel to offer protection to the petitioner and his associates in carrying out this court's order.

14.For reporting compliance, call this case on 04.12.2025 at 01.00 P.M.

03-12-2025

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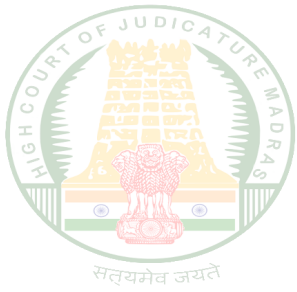
Issue order copy on 03.12.2025



To

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- 1.K.JPraveenkumar IAS,
District Collector, Madurai.
- 2.J.Loganathan IPS,
Commissioner of Police,
Madurai City.
- 3.Yagna Narayanan,
Executive Officer,
Arulmigu Subramania Swamy Temple,
Thirupparankundram,
Madurai.
- 4.The Commandant, CISF Unit,
Madurai Bench of the Madras High Court.



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G.R.SWAMINATHAN,J.

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CONT.P.(MD)No.3594 of 2025 in
W.P.(MD)No.32317 of 2025

03.12.2025