

ITEM NO.28

COURT NO.2

SECTION XII

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 9959/2022

(Arising out of impugned final judgment and order dated 22-04-2022 in WMP No. 7950/2022 passed by the High Court Of Judicature At Madras)

N. SUBRAMANIYAN

Petitioner(s)

VERSUS

THE GOVERNMENT OF TAMIL NADU & ORS.

Respondent(s)

(IA No. 74913/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 74922/2022 - INTERVENTION/IMPLEADMENT

IA No. 77869/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 74914/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 15-07-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Petitioner(s) Mr. Chander Uday Singh, Senior Counsel
Mr. Prashant Bhushan, Adv.
Mr. Pranav Sachdeva (AoR)
Mr. Jatin Bhardwaj, Adv.
Ms. Neha Rathi, Adv.

For Respondent(s) Mr. V. Balachandran, Adv.
M/S. Ksn & Co., AOR

UPON hearing the counsel the Court made the following
O R D E R

This petition seeks to challenge the order dated 22.04.2022 passed by the High Court of Judicature of Madras in W.M.P. 7950/2022 in W.P. 35161/2019 and essentially concentrates on the assertions made by the High Court concerning the petitioner before this Court.

The occasion for the High Court to make these observations was the application for recall, which was accompanied by the affidavit of the present petitioner.

It must also be stated that while issuing notice in the special leave petition vide its order dated 20.05.2022, this Court granted interim relief in the nature of stay of and operation of the order under challenge and as against further proceedings in *Suo Motu Contempt Petition No. 957/2022*.

It appears that the application seeking recall has since then been withdrawn and the parties have chosen to file substantive challenge in the form of a special leave petition challenging the order of which recall was sought.

In these circumstances, the matter came up before the Division Bench of High Court in *suo Motu Contempt Petition No.957/2022* on 10.06.2022, when it was observed "the basis to issue the notice of contempt would not survive now after the withdrawal of *W.M.P. 7950/2022*". The very same thought was expressed in the subsequent order dated 08.07.2022, when it was observed that the *Suo Motu Contempt Petition* could not be closed, in view of the order passed by this Court to the effect that no further proceedings be undertaken in *Suo Motu contempt petition*.

Thus, according to the High Court, but for the Interim Order passed by this Court, the Contempt Petition could be closed.

We have heard Mr. C.U. Singh, learned Senior Advocate and Mr. Prashant Bhushan learned Advocate in support of the petition and Mr. Siddharth Naidu learned Advocate for the Registrar General Madras High Court.

The learned counsel submit that in view of the orders passed by the High Court on 10.06.2022 & 08.07.2022, the matter be relegated to High Court so that appropriate view can be taken in the High Court.

We accept the prayer and dispose of the instant petition and leave it to the High Court to pass appropriate directions in *Suo Motu Contempt Petition No.957/2022* in light of the observations made by the High Court in the above orders.

The Special Leave Petition is disposed of accordingly. Needless to say that the interim order of stay of further proceedings stands vacated.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(VIRENDER SINGH)
BRANCH OFFICER