

[2014] 2 S.C.R. 619

R. SUBRAMANIAM

v.

MURUGAPPA GOUNDER AND ORS.

(Civil Appeal No. 1793 of 2014)

JANUARY 31, 2014

**[P. SATHASIVAM, CJI, RANJAN GOGOI AND  
M.Y. EQBAL, JJ.]**

**CONTEMPT OF COURT:**

*Unconditional apology tendered, accepted by single Judge of High Court - However, direction issued to take action against contemnors -- Held: Unconditional apology made in the form of an affidavit and the same having been accepted, further direction to Department for appropriate action neither warranted nor permissible -- Accordingly, the impugned direction set aside.*

**CIVIL APPELLATE JURISDICTION : Civil Appeal No. 1793 of 2014.**

From the Judgment and Order dated 27.07.2012 of the High Court of Judicature at Madras in Contempt Appeal No. 3 of 2012.

R. Balasubramaniam, Sumit Kumar, Ajay Amitrag, Amit Sharma for the Appellant.

The following Order of the Court was delivered by

**ORDER**

1. Though the respondents duly served with notice but are not represented by counsel.

2. Heard learned senior counsel for the appellant.

A 3. Leave granted.

4. 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 & Commissioner of Land Administration, Chepauk, Chennai, for initiating appropriate action.

5. We have gone through the order dated 29.06.2012 passed by the learned Single Judge in Contempt Petition No. 30 of 2012. In Para 20 and 21 the learned Single Judge clearly accepted the 'unconditional apology' tendered by Respondent Nos. 1 and 3 therein. In spite of acceptance directed the authority to take action against them. When the said order was challenged in the Contempt Appeal No. 3 of 2012, the Division Bench by its impugned order confirmed the same and dismissed the appeal.

6. 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 having been accepted by the learned Single Judge, we are of the view that further direction to the Department concerned for appropriate action neither permissible nor is warranted. Accordingly, the said direction as found in para 20 of the order of the learned Single Judge and the confirmation order of Division Bench are set aside.

7. The appeal is allowed on the above terms. No cost..

R.P.

Appeal allowed.