

ITEM NO.8+11

COURT NO.1

SECTION X

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

Writ Petition(s)(Civil) No(s). 885/2021

R SUBRAMANIAN

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

([.FOR ADMISSION and IA No.96857/2021-STAY APPLICATION and IA No.96862/2021-EXEMPTION FROM FILING AFFIDAVIT and IA No.102360/2021-EXEMPTION FROM FILING AFFIDAVIT and IA No.96855/2021-PERMISSION TO APPEAR AND ARGUE IN PERSON and IA No.102352/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

ITEM NO.11

Petition(s) for Special Leave to Appeal (Crl.) No(s). 9560/2021

(FOR ADMISSION and I.R. and IA No.161144/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.161146/2021-EXEMPTION FROM FILING AFFIDAVIT and IA No.161145/2021-PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 01-11-2022 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Petitioner-in-person

For Respondent(s) Mr. E. C. Agrawala, AOR

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

Writ Petition(s)(Civil) No.885/2021

Permission to appear and argue the matter in person is granted.

The instant writ petition has been filed seeking following reliefs:

"a.Issue an appropriate writ declaring the provisions of Section 15(1)(b) of the Contempt of Court Act, 1971 ultra vires for reason of not mandating the compliance of the procedure of natural justice on the part of the authorities exercising such power and in the alternate issue directions to read into the provisions of Section 15(1)(b) of the Contempt of Court Act, 1971 reasonable requirements of natural justice as this Hon'ble Court may deem necessary and appropriate.

b.Issue an appropriate writ quashing the order dated 10.06.2021 of the 2nd Respondent granting consent to the 3rd to 5th respondents for initiating criminal contempt proceedings against the petitioner and others.

It may be stated that by order dated 06.07.2021, the Division Bench of the High Court had directed issuance of notice in Case No.Cr1. CCC 9/2021, returnable on 17.08.2021 and directed the first accused to remain present while second and third accused were allowed the liberty to remain present through video conferencing.

The instant petition was filed on 4th of August, 2021 seeking aforesaid reliefs. It appears that though the matter was ready to be listed, it was never listed before this Court on any occasion till 21.10.2022. On that date, a prayer was made on behalf of the petitioner seeking liberty to withdraw the instant petition, in view of certain developments which had occurred since the filing of the petition.

The matter having been adjourned, now an application for withdrawal being IA No.163577/2022 has been preferred seeking liberty to withdraw the instant petition. Our attention has been

drawn to the order dated 10.03.2022 wherein after dealing with the form in which the public apology had to be published, the other facets were dealt with and relevant portion from Annexure A was quoted by this Court.

Learned counsel appearing for respondent has no objection to the withdrawal as in his view the relevant particulars are forming part of the application for withdrawal. All that he submits is that the withdrawal must be taken to be as a result of the order passed by 10.03.2022. Accordingly, the instant writ petition is allowed to be withdrawn.

However, one feature of the matter which has come to our notice requires immediate attention. The matter which was ready to be listed, was not listed before this Court for more than one and a half year.

To a pointed query whether the factum of pendency of the writ petition was utilised in any manner to have the pending contempt petition adjourned before the High Court, the petitioner-in-person has submitted that no such attempt at any juncture was made on behalf of the petitioner. We record the statement.

However, we issue notice to the Registry to file an explanation why the matter was not listed before the Court in a year and a half despite it had been "Ready" to be listed. The Registry should also indicate whether any similar matters which were marked as "Ready" but were not listed before the Court. All the details pertaining to such matters shall be furnished alongwith an explanation and if any remedial steps have since then been taken those steps must also be adverted to. Let the explanation be

furnished on or before 03.11.2022.

List for reporting compliance on 03.11.2022.

The petitioner-in-person and the respondents need not remain present on the next occasion.

SLP (Cr1.) No. 9560/2021

Permission to appear and argue the matter in person is granted.

This SLP is disposed of in terms of orders passed in Writ Petition (Civil) No.885/2021.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(VIRENDER SINGH)
BRANCH OFFICER