

BEFORE THE ADVOCATE GENERAL OF TAMIL NADU,
HIGH COURT, CHENNAI

PRESENT: Thiru.R.SHUNMUGASUNDARAM,
ADVOCATE GENERAL OF TAMIL NADU

Dated 27th September 2021

Consent Petition Nos.01 and 02 of 2021

S.Doraisamy, Advocate.

.....
Petitioner in
Consent Petition
No.01/2021

S.Kumaradevan, Advocate,

.....
Petitioner in
Consent Petition
No.02/2021

-Vs-

S.Gurumurthy, Editor,
Thuglak Tamil Magazine,

.....
Respondent in
Consent Petition
No.01/2021

S.Gurumurthy,

.....
Respondent in
Consent Petition
No.02/2021

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ORDER

This is an application filed under Section 15 (1) (b) of the Contempt of Courts Act, 1971 seeking the consent of the Advocate General to initiate Criminal Contempt proceedings before the Hon'ble High Court, against the Respondents.

Both these matters were taken on 31.08.2021. In Consent Petition No.01 of 2021, there was already an order passed on 31.03.2021 by the then Learned Advocate General of Tamil Nadu declining consent. The said order of dismissal are sought to be recalled by the Petitioner in Recall Petition No.01 of 2021, Thiru.V.Elangovan, Counsel for Petitioner argued that the said dismissal order was passed by mistake as the same was passed by the then Learned Advocate General of Tamil Nadu without taking into consideration the time granted from 26.03.2021 to 31.03.2021 for filing English translation of the offending speech of the Respondent/Contemnor. Though there was no record to reflect that time was granted to file Tamil to English translation of the speech, Thiru.V.Elangovan, Counsel for Petitioner produced an Email communication dated 30.03.2021 from the Counsel for Respondent to the then Learned Advocate General of Tamil Nadu with the copy marked to the Counsel for Petitioner. The said Email communication indicated that the translation version of the speech was filed. The physical copy of the same dated 29.03.2021 has been filed before the then Advocate General of Tamil Nadu on 31.03.2021. The physical copy of the translation contains the seal of the Office of the Advocate General of Tamil Nadu dated 31.03.2021 after giving a copy to Thiru.V.Elangovan for verification and consensus. The filing of physical copy of 31.03.2021 probablize the version of Thiru.V.Elangovan that translation was asked for passing orders as the then Learned Advocate General of Tamil Nadu was not able to read Tamil.

Thiru.P.Sesubalan Raja argued for the Petitioner in Consent Petition No.02 of 2021 seeking to give consent. He relied on the translation furnished by the Counsel for Respondent in Consent Petition No.01 of 2021 as both Consent Petitions pertain to the very same speech given by the Respondent on 14.01.2021. On reading the entire speech, the Learned Counsel pointed out that certain portion which make out a prima facie case to be proceeded with, according to him.

Mr. S. Ravi argued for the Respondent. He admitted having filed the 'Rough Transcription of the Question Answer and English Translation'. The copy of the translation has been filed before the Advocate General. As per the office seal the said copy was received on 31st of March 2021. The above document as the date of filing indicate that the submission of Thiru. V.Elangovan that the order of dismissal on 31.03.2021 was passed by mistake cannot be easily brushed aside.



The two Consent Petitions viz., Consent Petition No.01 of 2021 & Consent Petition No.02 of 2021 concern the very same issue and hence the dismissal of one is likely to prejudicially affect the other. In fairness of procedure, I am of the opinion that opportunity should be given to the petitioner in Consent Petition No.01 of 2021, so that both the Consent Petitions in Consent Petition No.1 of 2021 and Consent Petition No.2 of 2021 are taken up together for final hearing and disposed.

Hence, the order of dismissal passed on 31.03.2021 in Consent Petition No.1 of 2021 is liable to be recalled and the Consent Petition No.1 of 2021 is restored to the file of the Advocate General.

Therefore, the Advocate General issues notice for final hearing of both the cases together in Consent Petition Nos.01 & 02 of 2021 on 12th November 2021.



ADVOCATE GENERAL OF TAMIL NADU

To

1. M/s.V.Elangovan,

..... Counsel for Petitioner
in Consent Petition
No.01/2021

2. M/s. P.Sesubalan Raja
& S.Venkatesh,

..... Counsel for Petitioner
in Consent Petition
No.02/2021

3. M/s.S.Ravi,
Ramaswamy Meyappan,

..... Counsel for Respondent
in Consent Petition
Nos.01 & 02/2021

