

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.12.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

Contempt Petition Nos.1950 to 1953/2015

P.Kothandan	..	Petitioner in Cont.P.No.1950/2015
K.Parthasaradhi	..	Petitioner in Cont.P.No.1951/2015
K.Nagasamy	..	Petitioner in Cont.P.No.1952/2015
K.A.Manoharan	..	Petitioner in Cont.P.No.1953/2015

Versus

- 1 Dr.Lourdhamsamy
Superintending Archaeologist/
Competent Authority, The
Archeology Survey of India
Government of India
Chennai Circle, Fort St George
Secretariat, Chennai 600 009.
- 2 Mr.Karthikeyan, IAS
Principal Secretary & Commissioner
Department of Archeology
Government of Tamil Nadu
Tamil Valarchi Vaalagam
Halls Road, Egmore,
Chennai 600 008.
- 3 Mrs.Sathyabama Badhrinath
Regional Director,
Archeology Survey of India
KSIMC Building, Industrial Estate
Rajaji Nagar, Bangalore 560 044.
- 4 Dr.V.K.Shanmugam
District Collector, Kancheepuram.
- 5 Dr.Faridha Banu
Revenue Divisional Officer
O/o.The Revenue Divisional Officer
Tambaram.
- 6 Mrs.Pushpa
Tasildhar, Taluk Office
Alandur.
- 7 Mr.Sivakumar
Commissioner

Pallavaram Municipality
Pallavaram, Chennai 600 043.

8 Mr.Kavi Kumar
Assistant Commissioner of Police
Pallavaram Police Station
Pallavaram, Chennai 600 043.

..

Respondents in all the contempt petitions

Contempt petitions filed under section 11 of the Contempt of Courts Act to punish the respondents for their willful disobedience of the orders dated 30.03.2015 made in WP.Nos.9074, 9075, 9076 & 9077/2015.

For Petitioners in all
the petitions : Mr.G.Arulmurugan
For R1 in all the
petitions : Mr.Su.Srinivasan,
Asst. Solicitor General
For R2 in all the
petitions : Mr.R.Lakshmi Narayanan, AGP

COMMON ORDER

The above contempt petitions have been filed by the petitioners alleging willful disobedience of the order and direction of this Court by the respondents herein made in WP.Nos.9074 to 9077/2015.

2 The operative portion of the direction issued by this Court reads as follows:-

"4.After hearing the learned counsel appearing for the respondents 4 to 8, this Court is of the view that unless and until the Revenue Officials agree for joint survey along with the officers of the

competent authority of the 1st respondent/Department, the survey cannot be conducted. Therefore, at this stage, there will be no necessity to hear the 1st and 3rd respondents in the subject issue, since it is wholly within the realm of the Revenue Department at Kancheepuram District.

5. In the light of the above, there shall be a direction to the petitioners to submit a representation to the District Collector, Kancheepuram, along with a copy of this order, clearly setting out their grievances within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the District Collector, Kancheepuram District shall convene a meeting and the Revenue Officials shall assess the local situation and submit an appropriate report to the 1st respondent. If there is no other legal impediment, then, the District Collector shall pass appropriate orders/direction to the Tahsildar and intimate the respondents and on such intimation, the 1st respondent shall join in the joint survey, if there is no other legal impediment. The said direction shall be complied by the District Collector, Kancheepuram District within a period of three months from the date on which the representation is submitted.

With the above direction, these writ petitions are disposed of. Consequently, connected miscellaneous petitions are closed. No costs."

3 The petitioners allege that the respondents have failed to comply with the order. Therefore, on three earlier occasions, detailed orders were passed by this Court, so as to enable the authorities, viz., the 1st respondent as well as the officials of the Kancheepuram District to join in the joint survey. It appears that the survey has been conducted. There was some public

resistance and there are certain reports available with the authorities and the Tahsildar has also submitted a report on 07.10.2015 to the District Collector, who in turn, has forwarded the same to the office of the 1st respondent, vide proceedings dated 26.10.2015.

4 Learned counsel for the petitioners submitted that earlier, the 1st respondent has granted No Objection Certificates comparing the maps and if there is any difficulty, similar procedure could be adopted.

5 Learned Assistant Solicitor General appearing for the 1st respondent, on instructions, would submit that based on the District Collector's report, they have addressed a letter to the office at New Delhi and only after appropriate instructions are received, they will be in a position to act.

6 Considering the fact that there has been an inordinate delay in concluding the matter, there will be a direction to the 1st respondent to consider all the materials placed before him by the District Collector and after obtaining appropriate instructions from the Head Office, pass orders on merits and in accordance with law, within a period of three months from the date of receipt of the same and communicate the decision taken, to the petitioners herein.

7 With the above direction, the contempt petitions are closed.

AP

SD/

DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER (O.S.)

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KMV/ASO/23/12/2015

One CC to Government Pleader, SR.14082 to 14084

One CC to Mr.G.Arul Murugan, Advocate, SR.15159

To

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