

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

Contempt Petition Nos.1547 to 1549 of 2015 in

W.P.Nos.34418, 34419 and 33026 of 2014

Zainubu Begum ... Petitioner in Cont. P. No.1547/2015
A.Mohamed Faruk ... Petitioner in Cont. P. No.1548/2015
Mayangammal @ Mayangathal
W/o. Rangasamy Gounder
Rep by her Power Agent
Rangasamy ... Petitioner in Cont. P. No.1547/2015

v.

- 1.Mrs.Archana Patnaik
District Collector
Coimbatore District
Coimbatore.
- 2.Mr.Rajendran
Additional Chief Engineer/Civil
Hydro Electric Scheme
No.955, E.V.N. Road
Erode - 9. ... Respondents in all Contempt Petitions

Prayer: Petitions under Section 11 of the Contempt of Courts Act, to punish the respondent for having willfully disobeyed the order of the court dated 18.02.2015 made in W.P.Nos.34418 of 2014, 34419 of 2014 and 33026 of 2014 respectively.

For Petitioner : Mr.G.Krishnakumar
 For Respondent : Mrs.P.Kavitha, Govt.
 Advocate - for R1

Mr.Yashod Varthan, Sr.Counsel - for R2
 for Mr.S.K.Raameshuwar

ORDER

When the contempt petitions are taken up for hearing today, Mr.Yashod Varthan, learned Senior Counsel appearing for the second respondent submitted that the proposal of the TANGEDCO to retract from the proposal of acquisition of the petitioners' land through private negotiation may be accepted by this court and that the second respondent may be permitted to retract from the proposed acquisition.

2. Today, Mrs.P.Kavitha, learned Government Advocate, appearing for the first respondent produced a letter dated 21.01.2016 written by the District Collector, wherein, the District Collector has stated that it is up to the TANGEDCO to take a decision as to whether to go ahead with the project or not, after scrutinizing the viability of the project.

3. Since the first respondent-District Collector has left it to the TANGEDCO to take a decision, I do not find any reason for this court to accept the proposal given by

the TANGEDCO. As stated by the first respondent-District Collector it is open to the TANGEDCO to take a decision with regard to the retraction from the proposal of acquisition.

4. The second respondent also filed an affidavit before this court, wherein the second respondent has stated as follows:-

"2. I submit that the agreed water level of EL 293.00 m is the normal river level during the rainy season and it is understood that the level of the agricultural land will be above the normal river level. In the subject case, same portion of the petitioners' land is below 293.00 m level.

It is submitted that arrangement will be made by TANGEDCO for raising the level of the land after getting authentication for the extent of land affected from the Revenue Department as well as Water Resource Organization (WRO) of Public Works Department (PWD)."

5. From the above, it is clear that the second respondent-TANGEDCO will be raising the level of the land of the petitioners after getting authentication for the extent of land affected from the Revenue Department as well as Water Resource Organization (WRO) of Public Works Department (PWD).

6. Since the second respondent has not specified any time, I am of the view that the second respondent should complete the work within a period of eight weeks from today.

With the above observations, the contempt petition stands closed.

Rj

SD/-
DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER (O.S.)

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SS/CO/01/02/2016

One CC to The Government Pleader, Sr.No.954

One CC to Mr.G.Krishnakumar, Advocate, Sr.No.912.

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To

1.Mrs.Archana Patnaik
District Collector
Coimbatore District
Coimbatore.

2.Mr.Rajendran
Additional Chief Engineer/Civil
Hydro Electric Scheme
No.955, E.V.N. Road, Erode - 9.