

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2016

CORAM

THE HON'BLE Mr. JUSTICE **M.M. SUNDRESH**
and
THE HON'BLE Mr. JUSTICE **R. MAHADEVAN**

Contempt Petition No.1949 of 2016

Coimbatore Consumer Cause
rep. By its Secretary K.Kathirmathiyon ... Petitioner

Vs.

- 1.S.K.Prabakar, I.A.S.,
Principal Secretary to Government,
Public Works Department,
Fort St. George, Chennai - 9.
- 2.T.N.Hariharan, I.A.S.,
District Collector,
Coimbatore and District,
Pin - 641 018.
- 3.Vijay Karthikeyan, I.A.S.,
Commissioner,
Coimbatore City Municipal
Corporation,
Coimbatore - 641 001.
- 4.A.Venkatachalam,
Chief Engineer (WRO),
Public Works Department,
Coimbatore
Pin - 641 001. Respondents

Contempt Petition filed under Section 11 of the
Contempt of Courts Act, 1971, to punish the respondents for
wilful disobedience of the interim direction dated
09.06.2016 in W.P.No.11612 of 2016.

For Petitioner : No appearance

For Respondents: Mr.T.N.Rajagopalan,
Spl. Govt. Pleader for R1 , R2 and R4
Mr.Sivakumar for R3

ORDER

(Order of the Court was made by **M.M.SUNDRESH, J.**)

There is no representation on behalf of the petitioner.

2.Alleging that the order passed by this Court on 09.06.2016 has been violated wilfully, the present contempt petition is filed.

3.Learned Special Government Pleader appearing for respondents 1, 2 and 4, placing reliance upon the counter affidavit, submits that the allegations made are with reference to the action taken much prior to the order passed by this Court. It is further submitted that the temporary construction has been put on hold.

4.In the counter affidavit, the following paragraph would be apposite:

"Regarding the averments in para 8, with regard to the averments made I submit that

According to the report submitted by Assistant Executive Engineer, PWD/WRO, Coimbatore a bridge

linking Konavaikkalpalayam and Raja vaikkal has been partially demolished since the public interfered and requested the bridge may be allowed to be used until the Nanjundapuram Railway overbridge work is over. Hence the work was suspended temporarily.

Regarding the averments in paras 9 & 10, I submit that a detailed counter affidavit on the W.P.No.11612 of 2016 has been filed.

Regarding the averments in para 11, I submit that a letter from District Collector in Ref.No.1910/2016/B1 dated 28.06.2016 has been directed to Commissioner, Coimbatore Corporation and the Executive Engineer, PWD, WRO, Coimbatore that construction of fly over across the Noyyal river between Konavaikkal and Rajavaikkal cannot be taken up in the light of the directions of the Hon'ble High Court, Madras. As reported by the Corporation Commissioner that no work has been carried out by the Corporation for the construction as stated in the letter No.8777/2009/MH5 dated 16.08.2016."

5.On a perusal of the typed set of papers, it is seen that the news paper report was dated 19.04.2016 and the order was passed on 09.06.2016. Thus, apart from the said

information being reported only through news paper, which is prior to the date of the order coupled with the clear stand taken in the counter affidavit referared to above, we do not find any wilful disobedience of the order passed by this Court. Accordingly, the contempt petition is closed.

Sd/-

JOINT REGISTRAR (OS)

//Certified to be true copy//

Dated at Madras this the day of 2017.

COURT OFFICER(O.S.)

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CO/22/12/2016

One CC to M/s.R.Sivakumar, Advocate , Sr.No.15924/16
One CC to M/s.S.Sathia Chandran, Advocate ,Sr.No.15902/16
One CC to The Governement Pleader, Sr.No.15872/16

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