

In the High Court of Judicature at Madras

Dated : 21.10.2016

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Contempt Petition No.2483 of 2016

G.Sankaran

...Petitioner

Vs

C.Rajasekaran, Special District
Revenue Officer, Land Acquisition,
National Highways, Collectorate
Complex, Villupuram.

...Respondent

PETITION under Section 11 of the Contempt of Courts Act to punish the respondent for contempt of court for willful disobedience and for not complying with the order dated 1.3.2016 in W.P.No.7486 of 2016 and WMP. No.6698 of 2016.

For Petitioner : Mr.S.Sivashankar
For Respondent : Mr.S.Babu, GA

ORDER

This contempt petition has been filed alleging willful disobedience of the order and direction issued by this Court in W.P.No.7486 of 2016, which was filed challenging the order passed by the respondent dated 4.2.2016 and to direct the respondent to consider the objections of the petitioner with regard to acquisition of certain lands.

2. The said writ petition was disposed of on 1.3.2016 by issuing the following directions :

"Accordingly, the writ petition is allowed and the impugned notice of the respondent dated 4.2.2016 is hereby quashed. The respondent is directed to consider the petitioner's representation /objections, after affording him an opportunity of personal hearing and permitting him to peruse the records, which he may seek to peruse and pass orders on merits and in accordance with law. The above direction shall be complied with by the respondent within a period of eight weeks from the date of receipt of a copy of this order."

3. The grievance of the petitioner is that certain documents were permitted to be perused by the respondent, but only a few documents were available. According to the petitioner, the petitioner was directed to seek permission to peruse the same from the office of the National Highways Authority of India. In spite of having given such an advice, without waiting for the petitioner to peruse the other documents and give objections, the respondent passed the order dated 13.5.2016, which has led to the filing of the above contempt petition.

4. The learned Government Advocate appearing for the respondent/ contemner submits that because of the time limit fixed by this Court, orders were passed and there is no intention to disobey the order of this Court.

5. As could be seen from the directions issued in the writ petition, a period of eight weeks had been given. However, that does not mean that orders can be passed without affording an opportunity to the petitioner. After hearing the parties, it is clear that the difficulty arose on account of the delay in perusing the records from the office of the National Highways Authority of India. Therefore, the following directions would meet the ends of justice :

"(i) The Deputy General Manager (T) and Project Director, National Highways Authority of India, (Ministry of Road Transport and Highways), Office of the Project Director, P.I.U., No.26, 1st Floor, V.G.P.Nagar West, Vazhudhareddy Post, Villupuram-605401, is directed to permit perusal of necessary records by the petitioner or his authorized representative within a period of two weeks from the date of receipt of a copy of this order.

(ii) After perusal of the documents, the petitioner is directed to file his objections before the respondent within a period of two weeks therefrom.

(iii) On receipt of the objections, the respondent shall consider the same, afford an opportunity of personal hearing and pass orders afresh, within a period of two weeks from the date, on which, personal hearing was given."

T.S.SIVAGNANAM,J

RS

6. With the above directions, the above contempt petition is disposed
of.

21.10.2016

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