

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.04.2016

Coram

The Hon'ble **Mr.Sanjay Kishan Kaul, Chief Justice**

and

The Hon'ble **Mr.Justice M.Sathyanarayanan**

Contempt Petition No.971 of 2016

U.Chandru

.. Petitioner

Versus

Rajeev Ranjan, I.A.S.,
The Secretary
Government of Tamil Nadu
Highways Department,
Fort St.George,
Chennai

.. Respondent

Petitions filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for disobeying the order of this Court in W.P.No.30903 of 2014 dated 26.11.2014.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.S.T.S.Murthi

Government Pleader

ORDER

(Order of the Court was made by The Hon'ble The Chief Justice)

The matter pertains to the construction of ''Railway over-bridge''. We dealt with this issue in our order dated 26.11.2014, of which contempt is alleged.

3. We had noticed in the order that first, the proposal may emanate from the local administration of each State Government to the Railways. Taking note of the representation made by the petitioner on 25.09.2014, we directed the first respondent/Highways Department of the State Government to pass a reasoned order and if the proposal is found feasible, then necessarily a proposal will be forwarded to the Railways for action in accordance with Section 19 of the Railways Act. It is only thereafter that the role of the Railways comes into play, though funding is not by the Railways, but by the State Government. Our attention has been drawn to the communication dated 24.03.2015 of the first respondent to the Town Secretary of Tiruvallur District with reference to our order stating that the road over-bridge to be built has been included in the Railway Works Programme for the year 2015-2016 and the alignment has been approved by the Alignment Committee. This proposal had been sent for the Railway GAD and on receipt of the same, detailed report would be prepared and work to be taken up for execution. This substantiates that in principal, the proposal has been accepted and the issue is only of making available requisite funds for the said purpose. Needless to say that if there is something to be done by the Railways, the needful be done immediately.

4. Our attention is also drawn to the Highways

Departmental note dated 06.02.2015. The estimated cost is
<https://hcservices.ecourts.gov.in/hcservices/>

Rs.54.96 Crores and during the Budget Session, the Honourable

Chief Minister is stated to have accorded administrative sanction for Rs.1067.88 Lakhs. The Railway Board has taken a decision not to sanction the work in Supplementary Budget for 2014-2015 and the provision was apparently made only in 2015-2016.

5. The aforesaid circumstances show that no wilful disobedience of the order of the court has been made out, but we call upon the respondents/State Government to inform the petitioner about the timeline within which the project would commence and be completed.

6. The contempt petition accordingly stands closed. Consequently Sub.A.No.130 of 2016 is also closed. No costs.

SD/-

JOINT REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

SMI/CO/03/06/2016

To

1. Rajeev Ranjan, I.A.S.,
The Secretary,
Government of Tamil Nadu,
Highways Department, Fort St.George, Chennai.
2. The Divisional Railway Manager,
Southern Railways, Trichirapalli.

- 1.One CC to Mr.P.T.Ram Kumar, Advocate, Sr.No.5642/2016.
- 2.One CC to The Government Pleader, Sr.No.5526/2016.