



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2016

CORAM :

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

and

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Contempt Petition(MD)No.311 of 2016

T.Shanmugam

.... Petitioner / Petitioner

vs.

1)Palanichamy,
The District Collector,
Trichy District,
Trichy.

2)D.Kalaiselvan,
Executive Engineer (PWD, WRD),
RC Division, Trichy-1.

.... Contemnor / Respondent

Petition filed under Sections 11 and 12 of the Contempt of Courts Act, 1971, to punish the respondents herein for disobedience of the order of this Court dated 03.08.2012 made in W.P(MD)No.8111 of 2012.

Prayer in WP(MD). 8111/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, forbear the respondents from constructing the gravel road in the middle of the Kolidam River in between Thalakkudi Toll Gate to Anbil Village of an extent of 25 kms.

For Petitioner : Mr.V.P.Rajan

For Respondent : Mr.K.Chellapandian,
Additional Advocate General,
assisted by Mr.A.K.Baskarapandian,
Special Government Pleader

ORDER

(Order of the Court was delivered by Mr.Justice S.MANIKUMAR)

Alleging disobedience of the order dated 03.08.2012 made in W.P(MD)No.8111 of 2012, this contempt petition has been filed.

2.The Executive Engineer, PWD, River Conservancy Division, Trichy, has filed a status report, which is extracted hereunder:-
<https://hcservices.ecourts.gov.in/hcservices/>
2.It is submitted that the petitioner Thiru. T.Shanmugam has filed a Contempt Petition in C.P.No.



311/2016 in the Hon'ble Madurai Bench of Madras High Court praying to punish the respondents for disobedience order of this Hon'ble Court dated 03.08.2012 made in W.P. (MD) No.8111 of 2012.

3.I submit the following report to the Madurai Bench of Hon'ble Madras High Court for the Contempt petition regarding the removal temporary roads laid in the River Coleroon between Thalakudi tollgate to Anbil village in compliance of the order passed by this Hon'ble High Court. In compliance of the order of the Madurai Bench of Hon'ble Madras High Court in W.P.(MD) No.8111 of 2012, the quarries operated in the River Coleroon between Thalakudi tollgate to Anbil village were stopped. The quarries operated were Keela Anbil sand quarry and Ariyoor Sand quarry. The Keela Anbil sand quarry was commenced on 23.04.2008 and closed on 03.08.2012. The Ariyoor sand quarry was commenced on 10.12.2011 and closed on 24.06.2012.

4.It is submitted that, in compliance of the Judgement delivered by the Madurai Bench of Hon'ble Madras High Court dated on 3.8.2012, it is submitted that, all the temporary roads laid across in the River Coleroon between Thalakudi tollgate to Anbil village have been completely removed so that the course of the river is not affected. For that, Estimate was prepared to remove the temporary roads across the river, formed during the quarry operation and was approved by the Executive Engineer, River Conservancy Division, Trichy in D.R.No. 73 SQ 2012/13 to an amount of Rs.1.00 Lakh. The work was executed by the contractor Thiru.N.Jothimani, Lalgudi after an agreement was executed by the Assistant Executive Engineer in agreement No.15K2/Sdl 2012-13 dated 05.09.2012. The work was completed on 22.03.2013 and the payment has been made to an amount of Rs.97,827 to the contractor.

5.It is submitted that, the Coleroon river is the flood carrier river. The fulfilment of Veeranam Eri which is also the water resource of Chennai city is by feeding water from Coleroon river. For the past four years after the orders of the Hon'ble Madurai Bench of Hon'ble Madras High Court dated on 3.8.2012 no issues were found in flow of water in river Coleroon and the requirement of water is being fed to Veeranam Eri without fail. It is submitted that the cross roads being laid during the operation of sand quarries in the River Coleroon between Thalakudi tollgate to Anbil village were completely removed and the flow of water is not obstructed anywhere as alleged by the petitioner. It is further submitted that, all the drinking water schemes along the banks of river Coleroon upto Veeranam Eri are functioning



successfully.

6. It is submitted that, at present, as per directions of the Madurai Bench of Hon'ble Madras High Court dated on 3.8.2012, all the quarrying activities in the river bed are being done after getting the Environmental Clearance by the State Level Environmental Impact Assessment Authority, Tamil Nadu and the temporary roads are formed by the easily bio-degradable materials for transportation of sand from the river bed and the above temporary roads are periodically removed at the time of completion of the quarrying activities as per conditions stipulated in the Environmental Clearance.

7. It is humbly submitted before this Hon'ble Division Bench of the High Court of Madras, Madurai B'mch, that based on the facts, the quarries operated in the River Coleroon between Thalakudi tollgate to Anbil village in W.P.(MD)No.8111 of 2012 in the River Coleroon were stopped and the temporary roads were removed as per the orders of the Hon'ble Division Bench of the High Court of Madras, Madurai Bench.''

3. Though Mr.V.P.Rajan, learned counsel for the petitioner contended that the respondents have not complied with the directions of this Court made in W.P.(MD)No.8111 of 2012, dated 03.08.2012 and roads have been laid in the middle of the river and thus, committed contemptuous acts, warranting action, under the provisions of the Contempt of Courts Act and also prayed for an appointment of an Advocate Commissioner, having regard to the detailed report, dated 15.03.2016, filed in this Court, along with the supporting materials, this Court is not inclined to accept the said contentions. Reading of the same makes it clear that there is substantial compliance of the orders passed by this Court.

4. In view of the above, contempt petition is dismissed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1) Palanichamy,

The District Collector, Trichy District, Trichy.

2) D. Kalaiselvan,

Executive Engineer (PWD, WRD), RC Division, Trichy-1.

+1 CC to Mr.V.P.Rajan, Advocate, SR No.25672

+1 CC to the Special Government Pleader, SR No.25779

Cont.P(MD)No.311 of 2016

29.04.2016