

**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

**CONTEMPT CASE NO.341 OF 2014**

**ORDER:**

\_\_\_\_\_ The order, violation of which is alleged the present Contempt Case, is the interlocutory order passed in W.P.M.P.No.28142 of 2011 in W.P.No.22999 of 2011 dated 18.08.2011. By the said order this Court, while granting interim suspension, directed the petitioner not to alienate or create third party rights or to make any constructions pending further orders. Alleging that the petitioner had dug his land, had prepared it for a underground pipeline to be laid and had constructed a septic tank, the jurisdiction of this Court under the Contempt of Courts Act has been invoked by the fourth respondent in the Writ Petition.

\_\_\_\_\_ A counter affidavit was filed on behalf of the writ petitioner stating that the pipelines and the septic tank were constructed not by the petitioner but by the Gram Panchayat. While the fourth respondent in the Writ Petition (petitioner in the Contempt Case) no doubt alleges that the pipeline was constructed by the Gram Panchayat officers along with the writ petitioner, the specific assertion of the writ petitioner in the counter affidavit, filed by him in the present Contempt Case, is to the contrary. The writ petitioner has, in fact, asserted that he would have no objection even if the drainage pipeline was removed.

\_\_\_\_\_ The Gram Panchayat is not even a party to the Writ Petition. Any action taken by them with regards laying of pipelines, or construction of a septic tank cannot be the subject matter of examination in contempt proceedings, and the petitioner has to avail the legal remedies available to him in this regard. As it is evident that the order of this Court has not been violated, and the petitioner has not raised any construction over the subject land, I see no reason to proceed against the respondents under the Contempt of Courts Act, 1971.

\_\_\_\_\_ The Contempt Case is, accordingly, closed.

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**(RAMESH RANGANATHAN, J)**

19<sup>th</sup> February 2016  
RRB