

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Contempt Petition No.1588 of 2017

J.Sharmilabanu

.. Petitioner

-vs-

1. Mani

Chief Engineer
Tamil Nadu Transmission Corporation
Mannarpuram
Trichy 620 020

2. K.N.Santhini

Superintending Engineer
General Construction Circle
Tamil Nadu Transmission Corporation
No.182, Doctor Subbarayan Salai
Tatabad, Coimbatore 641 012

.. Respondents

Petition under Section 11 of the Contempt of Courts Act, 1971 praying to punish the respondents for wilful disobedience of the order of this Court dated 1.3.2017 made in W.P.No.4232 of 2017.

For Petitioner :: Mr.K.Myilsamy

For Respondents :: Mr.S.K.Rameshuwar

WEB COPY

ORDER

The petitioner has filed this contempt petition alleging violation of the order of status quo granted by this Court on 1.3.2017. While disposing the writ petition, no doubt a direction was issued to the District Collector, Tiruppur to consider the representations dated 3.1.2017 and

law within a period of two weeks from the date of receipt of a copy of this order and till such time, the respondents were directed to maintain status quo.

2. A detailed reply has been filed by the Superintending Engineer, General Construction Circle, Tamil Nadu Transmission Corporation. The learned standing counsel for the respondents submitted that at no point of time, the order of status quo granted by this Court was violated by the respondents. The allegation made against the respondents that there has been a violation of the status quo order is wholly unsustainable, when in fact the letter given by the petitioner Mrs.B.Sharmila Banu on 21.12.2016 clearly shows and admits the erection of tower in her hand, because, in the said letter, the petitioner has mentioned clearly that the erected tower to be removed. Again bringing to the notice of this Court the last paragraph of the representation dated 24.11.2016, the learned standing counsel submitted that the petitioner has clearly admitted the erection of tower in her land.

3. A reading of the last paragraph of the representation dated 24.11.2016 also clearly shows that the respondents have erected the tower in the petitioner's land even prior to 24.11.2016. Therefore the question of entertaining the allegation made by the petitioner that after the order was passed by this Court to consider the

representations dated 3.1.2017 and 24.1.2017 by the District Collector, Tiruppur, the respondents have violated the status quo order by erecting the tower is wholly misconceived. Secondly, the contention made by the petitioner that the said representation dated 24.11.2016 was not made by the petitioner is wholly unbelievable and per se liable to be rejected. The reason is that the petitioner herself gave her representation on 24.11.2016 and the seal with acknowledgment made by the office of the respondents clearly shows that the said representation was received on 28.11.2016. Therefore, it cannot be construed as concocted or created for the purpose of this case. Accordingly, the contempt petition stands dismissed.

SS

SD/

ASSISTANT REGISTRAR(OS.I)

//Certified to be true copy//

Dated at Madras this the day of 2018.

सत्यमेव जयते

COURT OFFICER(O.S.)

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

WEB COPY

CO/05/02/2018

One CC to Mr.Myilsamy, Advocate, SR.13618.