

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

Cont.P.No.2693/2015 in W.P.No.28291/2012

M.G.Gopalan

..

Petitioner

Vs.

M.Selvaraj
Executive Engineer,
TamilNadu Electricity Board,
Mudichur Road, Poothuthangal,
Tambaram, Chennai-600 045
Respondent

Contempt Petition filed under section 11 of the Contempt of Courts Act, 1971, to punish the respondent for contempt of the order of this Court made in W.P.No.28291 of 2012 dated 03.07.2015.

For Petitioner : Mr.P.Chandrasekar
For Respondent : Mr.S.K.Rameshwar, Standing
Counsel for

TNEB

ORDER

Learned Counsel for petitioner would submit that after putting up the superstructure, compound wall with gate, a transformer has been erected blocking the way and despite the orders passed by this Court, the same not been complied with and therefore, the petitioner came forward to file this contempt petition.

2.Counter Affidavit has been filed to that effect for shifting the transformer which is located for the benefit of the residents of the entire locality, the petitioner has to pay a sum of Rs.7,77,740/-. The learned counsel appearing for respondent / contemnor would contend that the compound wall has been put up after the erection of the transformer in the year 2001 and if at all the petitioner want to shift the transformer, he has to remit the said amount.

3.The petitioner has filed a reply by refuting the allegations and would contend that even prior to the erection of transformer, compound wall and gate has been put up.

4.This Court heard the rival submissions and also perused the materials placed before it and in the light of the rival submissions, this Court is of the view that the issue involves disputed question of facts and therefore, it cannot be adjudicated in exercise of this contempt jurisdiction by this Court.

5.At this Juncture, the learned counsel appearing for the petitioner prays for institution of appropriate legal proceedings against the Tamil Nadu Electricity Board in

6.In the light of the factual dispute involved coupled with the stand taken by the respondent / contemnor, the contempt petition is closed.

7.However, the petitioner is at liberty to initiate appropriate proceedings against the respondent/ Electricity Board including the relief of compensation and since he has been diligently prosecuting the proceedings right from the year 2012, the issue of limitation need not put to against in light of the section 14 of the Limitation Act.

SD/-
JOINT REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2017.

COURT OFFICER(O.S.)

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SS/CO/02/05/2017

सत्यमेव जयते

To
M.Selvaraj
Executive Engineer,
TamilNadu Electricity Board,
Mudichur Road, Poothuthangal,
Tambaram, Chennai-600 045.

Two cc's to Mr.S.K.Rameshuwar, Advocate, Sr.No.5776
one cc to Mr.P.Chandrasekar, Advocate, sr.No.5802