

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2018

Coram

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

Cont. Petition No.1438 of 2017

and

Sub Application (OS) No.266 of 2017

1.K.Arasappan

2.K.Sathappan

.. Petitioners

vs.

1.Hariharan,

The District Collector,
Coimbatore District,
Coimbatore - 641 018.

2.Kalpana,

The Special Tahsildar,
Land Acquisition Officer,
Airport Authority,
Extension of Runway Project,
Collectorate, Coimbatore - 641 018.

3.Saradhamani,

The Special Revenue Officer,
Coimbatore Airport,
Extension of Runway,
District Collector Office,
Coimbatore District - 641 018.

4.Mahalingam,

The Managing Director,
The Airport Authority of India,
Coimbatore.

5.P.W.C.Davidar,

Secretary (Transport Department),
Government of Tamil Nadu,
Fort St. George, Chennai - 9.

.. Respondents

Petition filed under Section 11 of Contempt of Courts Act to punish the respondents for their wilful utter disobedience of the order passed by this Court in W.M.P.No.8011 of 2017 in W.P.No.7350 of 2017 dated 03.04.2017.

For Petitioner	..	Ms.P.Bagyalakshmi
For Respondents	..	Mr.M.Elumalai, Govt. Advocate for R1 & R5 Mr.Xavier Arulraj, Sr. Counsel for Ms.A.Arul Mary for Respondents 2 to 4

ORDER

The petitioners, being the land owners, challenged the acquisition proceedings. It is also the case of the petitioners that in any event, they are entitled for possession as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as seen from the rejoinder filed with specific reference to para 12 of the contempt petition.

2.This Court, following the earlier orders, was pleased to grant an order of interim injunction. Interalia alleging that the said order is violated by the respondents by putting up construction of compound wall, the present contempt petition has been filed.

3.Learned counsel appearing for the petitioners would submit that though the construction has been stopped now, it was not done despite the orders passed.

4.Learned Government Advocate appearing for respondents 1 and 5 and the learned senior counsel appearing for the Airport Authority of India would submit that after the knowledge of the order passed by this Court, construction activities were stopped. It was stopped not only with respect to the petitioners' land, which is a barren land but also the adjoined one. There is construction of compound wall within the land of the petitioners situated in Survey No.8/2, Singanallur Village, Coimbatore District. The respondents have filed vacate stay petitions.

5.The learned Government Advocate also reiterated the above said stand and for that, he made reliance upon the letter sent by the District Collector, Coimbatore dated 11.10.2017.

6.It appears from the submissions made by the learned counsels that all the main writ petitions are likely to be taken up for hearing before the Court having roster on 18.01.2018 along with vacate stay petitions. Therefore, the

only issue for consideration before this Court is as to whether the respondents have acted in wilful disobedience of the order passed by this Court. There is no dispute atleast to the effect that there is no construction is going on.

7.In the affidavit filed by the fourth respondent, the following statements have been made:

5.I humbly submit that the compound wall on the other side of the acquired lands has been constructed long back, and no further construction have been undertaken, during the pendency of this case. The acquisition proceedings could not be completed only because of the non-cooperation of the petitioners. There is no hindrance or block on the access road to the land of the petitioners in S.F.No.8/2 in Patta No.268 in Singanallur Village. The averment that the fourth respondent is trying to put up construction of compound wall around the land of the petitioners is imaginative and false. For the purpose of interim orders the petitioners had misrepresented before this Hon'ble Court.

6.I humbly submit that after the order of injunction dated 03.04.2017, no construction has

been carried on in the petitioners' land in Survey No.8/2 in Patta No.268 Singanallur Village. Even the construction that was done in the neighbouring lands also have been stopped midway due to the order of injunction. The petitioners are misrepresenting facts to buttress their case.

8.In the communication sent by the District Collector dated 11.10.2017 to the learned Special Government Pleader, it has been stated as follows:

"I wish to state that soon as the above Court orders were received the Airport Authorities were instructed to stop the construction of the compound wall in their lease hold lands and it was stopped forthwith. This was ensured by the Special District Revenue Officer (LA) Coimbatore Airport Extension of Runway during her field visits. The Special District Revenue Officer (LA) Coimbatore Airport Extension of Runway on her visit to acquisition fields on 09.10.2017 found that the Court order is being still complied with.

.....

The Airport Authorities in the letter dated 29.06.2017 have informed that they are not constructing any compound wall in S.F.No.8/2 i.e. in the petitioners' land and the road mentioned is not a public road. In the revenue records also

it is not classified as road poramboke. It is a patta land leased out to Airport Authorities as mentioned earlier.

9.From the above, this Court finds that there is no wilful disobedience of the order passed. This Court cannot conduct a roving enquiry. Further more, as of now, there is no construction that is being carried out. There was also no construction earlier and even now within the land in Survey No.8/2, Singanallur Village, Coimbatore.

10.In such view of the matter, this Court does not find any wilful disobedience of the order passed. Accordingly, the contempt petition stands closed, leaving all the issues open to the parties to be adjudicated before appropriate Court. Consequently, connected Sub Application is closed.

SD/-
ASSISTANT REGISTRAR (COMM.CASES)

mmi

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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Co/30/01/2018