

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2018

Coram

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

Cont. Petition No.1651 of 2017

K.S.Muthukumarasamy ... Petitioner

vs.

P.Ponniah,
The District Collector,
Kancheepuram District,
Kancheepuram - 631 501. ... Respondent

Petition filed under Section 11 of Contempt of Courts Act to punish the respondent for deliberately committing contempt by wilful disobedience of the order dated 07.03.2017 in W.P.No.5606 of 2017.

For Petitioner ... Mr.N.Theenadayalan

For Respondent .. Mr.I.Sathish,
Addl. Govt. Pleader

ORDER

Alleging that the order of this Court dated 07.03.2017 in W.P.No.5606 of 2017 has not been complied with, the present contempt petition has been filed.

2.This Court has merely directed the second respondent in the writ petition to pass appropriate orders on the applications of the petitioner, which has been done do.

3.Learned counsel appearing for the petitioner would submit that though the award was passed, a reference speaks about the interim award.

4.The learned Additional Government Pleader submits that as per the Government Order passed in G.O.Ms.No.169 Highways and Minor Ports (HF1) Department dated 31.12.2014, the provisions of Central Act 30/13 would be applicable to the cases where notice under Section 15(2) of the Tamil Nadu Highways Act, 2001 has been published on or after 01.01.2014. In the case on hand such a notice was published in the year 2009 itself, though there is a mistake in construing the award as an interim award as it is a final award.

5.In view of the abovesaid submission, this Court does not find any wilful disobedience of the order passed. In fact, this Court merely directed the representation to be considered. Inasmuch as the award has been passed, the only remedy open to the petitioner is to invoke Section 20 of the Tamil Nadu Highways Act, 2001 by filing an appeal to the Sub Court. Since the petitioner was pursuing the contempt petition before this Court and the copy of the award itself was furnished during the proceedings coupled with the fact that there is some dispute whether it is interim or final, notwithstanding the period of limitation mentioned under the Act, the petitioner is given a period

of six weeks from the date of receipt of a copy of this order to file an appeal. Accordingly, the contempt petition stands closed.

SD/-
ASSISTANT REGISTRAR (COMM.CASES)

mmi

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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NC/CO/11/04/2018

one cc to the Government Pleader, SR.No.3607.

One cc to Mr. N. Theenadhayalan, SR, No.3675.



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