

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 10.08.2018

Orders Pronounced on : 24.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Cont.P.No.342 of 2017

and

Sub.A.No.67 of 2018

K.S.Suresh

.. Petitioner

Vs.

Ms.Vasuki,
The Principal Secretary,
Chairman/Managing Director,
Sipcot,
No.19, Rukumani Lakshmipathy Road,
Egmore, Chennai-600 008.

.. Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent for Contempt of Court for causing wilful disobedience to the order dated 04.03.2016 made in W.P.No.6077 of 2016 passed by this Court.

For petitioner : Mr.T.P.Prabakaran

For respondent : Ms.Sudharshana Sundar

ORDER

This Contempt Petition has been filed alleging disobedience of the order passed by this Court in W.P.No.6077 of 2016, dated 04.03.2016.

2. The above said W.P.No.6077 of 2016 was filed by the petitioner for issuance of a Writ of Mandamus to direct the first respondent therein (respondent herein) to accord sanction on the proposal submitted by the second respondent therein (District Collector, Vellore), vide Na.Ka.G3/66766/2008, dated 09.07.2015 for payment of Rs.4,78,100/- towards legal fees due and payable to the petitioner, within a stipulated time.

3. This Court, by order dated 04.03.2016 disposed of the said Writ Petition, directing the petitioner to give a detailed fresh representation, enclosing the proposal submitted by the second respondent therein to the first respondent therein (respondent herein), vide Na.Ka.No.G3/66766/2008, dated 09.07.2015 and on receipt of the same, the first respondent was directed to consider the same and pass appropriate orders, with regard to according of sanction on the proposal submitted by the second respondent therein, vide Na.Ka.No.G3/66766/2008, dated 09.07.2015, for payment of Rs.4,78,100/- towards the legal fees due and payable to the petitioner, on merits and in accordance with law, within a period of two months (eight weeks) from the date of receipt of a copy of the order.

4. According to the petitioner, since the said order of this Court, dated 04.03.2016 passed in W.P.No.6077 of 2016, has not been complied with, the present Contempt Petition is filed by the petitioner.

5. The respondent herein (first respondent in W.P.No.6077 of 2016) has filed counter affidavit in this Contempt Petition, stating that the Government of Tamil Nadu in G.O.Ms.No.38, Industries Department, dated 06.03.1996, issued administrative sanction for acquisition of 710.10 acres of lands at Mukundarayapuram Village for erstwhile TACID, which was subsequently merged with SIPCOT. Being not satisfied with the award passed by the Land Acquisition Officer, there were 298 references claiming enhanced compensation made before the Sub-Court, Ranipet. Subsequently, out of the said cases, 110 LAOP cases were transferred to the Fast Track Court, Ranipet and the remaining cases were dealt with by the Sub-Court. The above cases were disposed of by the Sub-Court and Fast Track Court, Ranipet, by filing compromise petitions by both SIPCOT and the land owners.

6. It is further stated in the counter affidavit that the SIPCOT is only a requisitioning body in the said LAOP cases. As far as sanctioning of fees to the counsel appearing on behalf of SIPCOT in LAOP cases is concerned, the same is made based on the Circulars and Office Orders

evolved by the Board of SIPCOT and the Managing Director of SIPCOT has already paid a sum of Rs.1,13,500/- on 04.04.2007 itself to the petitioner for his appearance in LAOP cases at FTC-II, Ranipet, as counsel for SIPCOT. Subsequently, the petitioner made claim of a sum of Rs.4,78,200/- in the very same LAOP cases in FTC-II, for his appearance on behalf of LAO/Government side. As far as the payment of fees to the counsel appearing on behalf of LAO/Government is concerned, the same is made by the SIPCOT based on the sanctioning order/recommendation issued by the Collector concerned, after examining the fee claim based on the Government Orders/Instructions/Rules governing the issue. It is also stated in the counter affidavit that the Collector, Vellore District, in the letter dated 03.06.2009 addressed to GM, SIPCOT, had stated that out of 110 LAOP cases disposed of by FTC-II, which were attended to by Mr.A.M.Shankar, Additional Government Pleader, only 18 LAOP cases which were part heard, were assigned to the petitioner herein to appear on behalf of the ST (LA), Ranipet and therefore, the Collector recommended therein to sanction a sum of Rs.11,250/- to the petitioner towards his fee for his appearance of the abovesaid 18 part heard cases. Based on the recommendation of the Collector, fees of Rs.1,18,987/- was already paid to Mr.A.M.Sankar, the then Additional Government Pleader, for his appearance in

110 batch cases including 18 part heard cases.

7. It is further stated in the counter affidavit that the petitioner is eligible for Rs.11,250/-, since the Fast Track Court-II, Ranipet, has allowed fees for 18 compromise cases only, which were in part-heard stage in the petitioner's tenure as Additional Government Pleader. The petitioner has submitted his representation, dated 30.08.2016 to the respondent's office on 01.09.2016. Only thereafter, the petitioner has filed the present Contempt Petition for disobeying the order passed by this Court on 04.03.2016 in W.P.No.6077 of 2016.

8. On coming to know of the Contempt Petition filed by the petitioner, the respondent gave direction to the officials to trace the records and put up suitable departmental note for consideration. Accordingly, the relevant papers were put up to the respondent on 30.06.2017 for passing orders relating to the eligibility of fees payable to the petitioner. Based on the report in No.Na.Ka.A2/7051/2008, dated 01.07.2017 submitted to the Collector by RDO, Ranipet, the Collector of Vellore District, in his letter No.Na.Ka.G3/66766/2008, dated 02.07.2017, has recommended sanction of a sum of Rs.11,250/- to the petitioner. On receipt of the said recommendation, the respondent has sanctioned a sum of Rs.11,250/- immediately to the petitioner, vide Demand Draft No.892831, dated 04.07.2017 towards settlement of fees and the said position has been intimated to the

petitioner, vide Letter No.LAOP/Ranipet/Legal Fees/2017, dated 04.07.2017. Hence, according to the respondent, the order of this Court, dated 04.03.2016 passed in W.P.No.6077 of 2016, had been complied with and non-disposal of the petitioner's representation as directed by this Court, is neither wilful nor wanton, but due to the facts stated above.

9. Learned counsel for the petitioner submitted that still some amounts are due to be paid to the petitioner and therefore the Contempt Petition has been filed.

10. This Court is of the opinion that in view of the abovesaid averments made in the counter affidavit filed by the respondent, nothing further survives for proceeding further in this Contempt Petition. Accordingly, the Contempt Petition is closed. Consequently, Sub-Application is closed.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this

To

The Principal Secretary,
Chairman/Managing Director,
Sipcot,
No.19, Rukumani Lakshmipathy Road,
Egmore, Chennai-600 008.

one cc to M/s.Sudharshana Sunder, Advocate, Sr.No.12277

One cc to the Government Pleader, Sr.No.12384

One cc to M/s.T.P.Prabakaran, Advocate, Sr.No.12437



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