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Cont.P.No.546/2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.10.2019

CORAM

THE HONOURABLE MR. JUSTICE SUBRAMONIUM PRASAD

Contempt Petition.No.546 of 2019

R.Prabhakaran

.. Petitioner

Vs.

1.Mr.Vikram Kapur, I.A.S.,
The Chairman,
Tamil Nadu Electricity Board,
N.P.K.K.R. Maligai, Anna Salai,
Chennai - 600 002.

2.Mr.Vikram Kapur, I.A.S.,
The Managing Director,
Tamil Nadu Generation
and Distribution Corporation,
N.P.K.K.R. Maligai, Anna Salai,
Chennai - 600 002.

.. Respondents

Prayer: Contempt petitions filed under section 11 of the Contempt of Courts Act to punish the respondents herein for their willful disobedience of the orders of this Honourable Court passed in W.P.No.34638 of 2016 pronounced on 30.09.2016.

For Petitioner : Mr.K.Krishnamoorthy
For Respondents : Mr.Anand Gopal

ORDER

This Court by an order dated 30.09.2016 in W.P.Nos.34637 and 34638 of 2016, passed the following directions;

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"The petitioners are directed to approach the District Collector, Thiruvallur, the third respondent herein, with relevant records to identify them so as to get benefits under the scheme, within four weeks from the date of receipt of a copy of this order. The District Collector, Thiruvallur, the third respondent herein, is directed to consider the claim of the petitioners and to forward his report as to whether the petitioners herein are beneficiaries under the said scheme or not, to the first respondent-Board within a period of 8 weeks thereafter. The first respondent-Board is directed to act upon the report to be provided by the District Collector, as per the Board proceedings B.P.Per(FB)No.3 Administrative Branch dated 25.01.1990 thereafter."

2. From the materials on record, it is seen that the District Collector by proceeding in R.C.No.26324/2016/F3 dated 15.03.2017 has given the following report.

"In view of the above, it is recommended that Mr.R.Prabhakaran S/o Raj aged 18 yrs be given employment assistance in Tamil Nadu Electricity Board in lieu of acquired land in accordance with G.O.Ms.No.656 dated 29.06.1978 and Tamil Nadu Electricity Board letter No.B.P.Per(FB) No.3 dated 25.01.1990. Enquiry reports of Sub Collector Ponneri, Tahsildar Ponneri and petitioner's statement are enclosed for your reference. "



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3.This report has been challenged by the respondent TANGEDCO in W.P.No.17544 of 2019 and this Court by an order dated 02.08.2019 has passed the following order:

"Post the matter on 05.09.2019. Interim order already granted is extended until further orders."

4.The learned counsel for the petitioner states that challenging the report dated 15.03.2017 of the District Collector will not absolve the respondents from contempt. The learned counsel for the petitioner relies on the rejection order dated 18.01.2019, wherein, it is stated that the respondent TANGEDCO is not accepting the ownership of the land owner itself. According to the learned counsel for the petitioner that could not be the reason to deny or not to accept the order of the District Collector and therefore, the order dated 18.01.2019 amounts to contempt.

5.This Court by the Order dated 30.09.2016 had directed the District Collector to give a report and there was no question of going into the ownership of the title of the land. The issue before this Court is as to whether there an willful disobedience of the order dated 30.09.2016 in W.P.Nos.34637 and 34638 of 2016. This Court by the said order had only directed the Collector to file a report and the report of the District Collector has been challenged in

<https://hcservices.ecourts.gov.in/cases/17544> of 2019. Therefore, there cannot be a willful



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disobedience of the order dated 30.09.2016 in W.P.Nos.34637 and 34638 of 2016.

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6.In view of the matter, the contempt petition is dismissed. Needless to state that if W.P.No.17544 of 2019 is dismissed, the petitioner is at liberty to approach this Court once again to file a fresh contempt petition, in case the respondents do not comply with the order.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

tsg

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER (O.S.)

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nrk/13/01/2020

To

1. The Chairman,
Tamil Nadu Electricity Board,
N.P.K.K.R. Maligai, Anna Salai,
Chennai - 600 002.
2. The Managing Director,
Tamil Nadu Generation
and Distribution Corporation,
N.P.K.K.R. Maligai, Anna Salai,
Chennai - 600 002.
3. The District Collector,
Thiruvallur District,
Thiruvallur.

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