

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.09.2019

CORAM

THE HONOURABLE DR. JUSTICE **G. JAYACHANDRAN**

CONT.P.No.1784 of 2018

1. Madras College of Engineering, Society,
Rep.by its Secretary Mr.D.S.Mithra,
"Santosh Gardens", Santhapuram,
Vellanur, Chennai-600 062.
2. St.Michael's Polytechnic College,
Rep.by its Secretary Mr.D.S.Mithra,
"Santosh Gardens", Santhapuram,
Vellanur, Chennai-600 062. .. Petitioners

Versus

1. Mr.S.Krishnan, I.A.S.,
Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St.George, Chennai-600 009.
2. Mr.Rajesh Lakhoni, I.A.S.,
Chennai Metropolitan Development Authority,
Rep.by its Member Secretary,
No.8, Gandhi Irwin Road, Egmore, Chennai-600 008.
3. Mr.Rajeev Ranjan, I.A.S.,
Secretary to Government,
Highways and Minor Ports Department,
Secretariat, Fort St.George, Chennai-600 009.
4. Mr.Atulya Misra, I.A.S.,
Secretary to Government,
Revenue Department,
Secretariat, Fort St.George, Chennai-600 009.
5. Mr.S.Rajendran
District Revenue Officer(LA),
Outer Ring Road Project,
CMDA, Koymabedu, Chennai-600 107.

6. Mr.T.Baskar,
Tahsildar, Avadi Taluk,
Near Railway Station, Chennai-600 054.
7. Ms.E.Sundaravalli, I.A.S.,
The Collector,
Thiruvallur District, Thiruvallur .. Respondents

Contempt petition filed under section 11 of the Contempt of Courts Act,1971, to punish the respondents for their willful disobedience of the common order of this Court dated 16.03.2018 in W.P.Nos.4965 & 4966 of 2018 and W.P.Nos.25836, 25837, 25839 of 2017.

For Petitioner : Mr.C.Franco Louis

For Respondents : Mr.D.Raja, AGP for R1, R3 to R7
Mr.Thiruvengadam, St.c for R2

ORDER

This Court has passed an order dated 16.03.2018 in W.P.Nos.4965 & 4966 of 2018 filed by the Contempt petitioner herein, which has a specific direction particularly to consider the acquisition of the petitioner's land and shall determine the compensation and other benefits conferable in the terms of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Since that was not considered by the respondents, the present contempt petition is filed.

2. This Court ordered notice to the contemnor. Pursuant to the notice, the 6th respondent/contemnor was present

before this Court and explained to this Court why he could not pass award within the time stipulated vide order dated 16.03.2018. The order of this Court on 10.08.2018 is extracted below for appreciating the petition.

"Mr.S.Rajendran, District Revenue Officer (L.A), the contemnor appeared. He had explained that he could not pass the award within the time stipulated by this Court in its order dated 16.03.2018 in W.P.Nos.4965, 4966 of 2018 & W.P.Nos.25836 to 25839 of 2017, because CMDA, the second respondent, for whose purposes the lands were acquired, had not transferred the requisite funds to the Land Acquisition Authority, in order he could pass the award, as directed by this Court.

2.Mr.C.Thirumaran, learned Special Government Pleader, on instructions submitted that an award has been passed now and 80% of the compensation amount is ready for disbursement, and the Land Acquisition Officer may issue appropriate notice inviting the petitioner to receive the award amount and if not so received, the amount may be deposited in the manner prescribed by law. He further added, if the petitioners are not satisfied with the quantum of compensation awarded, they may receive it subject to they recording their objections."

3. Now, it is reported by the respondent through the counter affidavit that the award has been passed taking into consideration of the direction of this Court and the same has been communicated to the petitioner as well as to the Sub Court, Poonamallee by way of reference in R.C.No.205/2007/ORR/UNIT-V dated 20.09.2019 also furnished for perusal.

4. The learned counsel appearing for the contempt petitioner would submit that the award passed is not in compliance of the direction of this Court, particularly fixation of compensation was not in accordance with the Central Act. Several components of the compensation have not been considered while passing the award. Though the inadequacy of compensation is the subject matter of reference under Section 20 before the Sub Court, Poonamallee. The willful disobedience of the direction warrants action under Contempt of Courts Act.

5. This Court is not inclined to probe into the adequacy or inadequacy of compensation. If the petitioner is not satisfied with the quantum of compensation and the manner in which the compensation is arrived at, it is a matter to be agitated before the reference Court and not in

the contempt petition. The respondent has already referred the matter for adjudication. The petitioner can work out the remedy there. Hence, nothing willfully disobedience on the part of the respondent could be seen to initiate contempt proceedings.

6. Therefore, the contempt petition is dismissed.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

rpl

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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Smi/04/11/2019

To

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