



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Friday, the Eighteenth day of October Two Thousand and Nineteen

PRESENT

The Hon'ble Mr.Justice T.S.SIVAGNANAM
AND
The Hon'ble Mrs.Justice R.THARANI

SUB A(MD) . No.131 of 2019
in
Cont.P(MD) No.257 of 2016

1. S.Shanmuga Sundara Chokkalingam, S/o.C.Sivaraman,
Narippaiyur 623 135, Kadaladi Taluk, Ramanathapuram District.
2. G.Venkatesh, S/o.V.Guruvaiya, Narippaiyur 623 135,
Kadaladi Taluk, Ramanathapuram District.
3. P.Christopher, S/o.S.Paulraj, Narippaiyur 623 135,
Kadaladi Taluk, Ramanathapuram District.
4. V.Dhanuskodi, S/o.S.Vellaiyan, Narippaiyur 623 135,
Kadaladi Taluk, Ramanathapuram District.
5. A.Dhanasekara Packia Jebaraj, S/o.M.Antony Packia Jeyaraj,
Narippaiyur 623 135, Kadaladi Taluk, Ramanathapuram District.
6. R.Sivamurugan, S/o.P.Rajapandian, Narippaiyur 623 135,
Kadaladi Taluk, Ramanathapuram District.
7. S.Balamurugan, S/o.P.Subramaniyan, Narippaiyur 623 135,
Kadaladi Taluk, Ramanathapuram District.
8. P.Jeganathamoorthy, S/o.M.Pechaiah, Narippaiyur 623 135,
Kadaladi Taluk, Ramanathapuram District.
9. D.David Thanaraj, S/o.D.Danial, Narippaiyur 623 135,
Kadaladi Taluk, Ramanathapuram District.
10. Ebinesar Anban, S/o.S.Selvaraj, Narippaiyur 623 135,
Kadaladi Taluk, Ramanathapuram District.
11. T.John Udaya Surian, S/o.S.Thiagarajan, Narippaiyur 623 135,
Kadaladi Taluk, Ramanathapuram District.
12. P.David, S/o.A.Panneer Selvam, Narippaiyur 623 135,
Kadaladi Taluk, Ramanathapuram District.



13. S.Keeshing Raja, S/o.S.Soundaram, Narippaiyur 623 135,
Kadaladi Taluk, Ramanathapuram District.

14. A.Lakshmanan, S/o.K.Ammasi, Narippaiyur 623 135,
Kadaladi Taluk, Ramanathapuram District.

15. P.George, S/o.A.Panneer Selvam, Narippaiyur 623 135,
Kadaladi Taluk, Ramanathapuram District.

16. S.Packiaraj, S/o.K.Salomon, Narippaiyur 623 135,
Kadaladi Taluk, Ramanathapuram District.

... Petitioners/Petitioners

- Vs. -

1. V.Arumugam, Executive Engineer,
Tamilnadu Water Supply & Drainage Board,
Desalination Plant, Narippaiyur, Kadaladi Tk,
Ramanathapuram District
Now at Tamilnadu Water Supply and Drainage Board
Maintenance Divn, 28-J, Salai St. Central Plaza-Second Floor,
Ramanathapuram 623 501

... Respondent/Contemnor

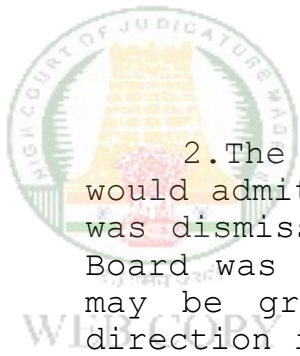
Prayer in SUB A(MD). No.131 of 2019 :- This petition is filed under
Section 151 of CPC to reopen the contempt petition No.257 of 2016
dated on 22.08.2017 and pass such other orders

Prayer in Cont.P(MD) No.257 of 2016:- This petition is filed under
Section 11 of Contempt of Courts Act, 1971 to punish the respondent
i.e., the Executive Engineer, TWAD Board, Ramanathapuram for his
willful and deliberate disobedience to the orders of this Honourable
Court in WP.(MD).No.9549/2012 dated 22.05.2014 which were confirmed
by the Honourable Division Bench in WA.(MD).No.1005/2014 dated
12.02.2015 and in Review Application No.134/2015 dated 18.11.2015.

ORDER:- This Petition coming on for orders on this day and upon
perusing the petition and the affidavit filed in support thereof and
upon hearing the arguments of Thiru. S.Visvalingam, Advocate for
the Petitioner and of Ms.Porkodi Karnan, Advocate for the
respondent, this Court made the following order:

[Order of the Court was made by T.S.SIVAGNANAM, J.]

This Petition has been filed to reopen the Contempt
Petition, which was closed on 22.08.2017, owing to the fact that the
respondent had filed Special Leave Petition before the Hon'ble
Supreme Court against the order of this Court in W.P.(MD) No.9549 of
2012 and an order of interim stay was granted.



2.The learned Standing Counsel appearing for the respondent would admit that the Special Leave Petition filed by the TWARD Board was dismissed by order dated 07.05.2019 and the Review filed by the Board was also dismissed on 17.09.2019. Therefore, the respondent may be granted a reasonable time to comply with the order and direction issued in the Writ Petition.

3.Considering the fact that there are 15 writ petitioners and appropriate calculations have to be made, the learned Standing Counsel for Board would have been justified in seeking for a longer time. However, the order of the Inspector of Factories, Sivagangai was passed on 11.07.2011, conferring permanent status. The Writ Petitions filed by the petitioners in W.P.(MD) No.13038 of 2011 and W.P.(MD) No.9549 of 2012 were allowed on 22.05.2014, against which appeals were filed in W.A.(MD) Nos.1004 and 1005 of 2014 and were dismissed on 12.02.2015. The petitioners issued contempt notice immediately on 27.06.2015 and immediately after that Review Applications were filed before the Division Bench in Rev. Aplc. (MD) Nos.133 and 134 of 2015, which were dismissed on 18.11.2015. The petitioners issued contempt notice on 06.12.2015, immediately after the dismissal of the Review Applications. Once again Contempt Petitions were filed in Contempt Petitions Nos.1673 of 2015 and 257 of 2016, which were dismissed on 22.01.2016 and 22.08.2017 respectively. Ultimately, Special Leave Petition was filed before the Hon'ble Supreme Court and dismissed on 07.05.2019 and the review application filed was also dismissed on 17.09.2019. Thus, considering the checkered history, we direct implementation of order within three months from the date of receipt of a copy of this order.

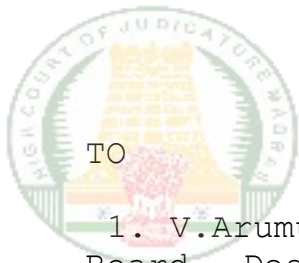
4.This Sub Application is disposed of accordingly.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

Sub Assistant Registrar(CS)



TO

1. V.Arumugam,Executive Engineer, Tamilnadu Water Supply & Drainage Board, Desalination Plant,Narippaiyur, Kadaladi Tk,Ramanathapuram District

WEB COPY

Now at Tamilnadu Water Supply and Drainage Board Maintenance Divn,28-J,Salai St. Central Plaza-Second Floor, Ramanathapuram 623 501

Copy to:

The Section Officer,
Contempt Section,
Madurai Bench of Madras High Court, Madurai

+1CC TO MR.S.VISVALINGAM, Advocate Sr. No.93046

+1CC TO MR.POLAX LEGAL SOLUTIONS, Advocate Sr. No. 93057

ORDER DATED : 18/10/2019

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ORDER

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SUB A(MD) . No.131 of 2019

in

Cont.P(MD) No.257 of 2016

Giving direction and etc.
as stated within.

SV2 (CO)

TR(22.10.2019) 4P 5C