



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.[MD]No.19543 of 2019

K.K.Ramesh
(Party-in-Person)

... Petitioner

Vs.

1.The Union of India,
Rep.by its Home Secretary,
Ministry of Home Affairs,
North Block, New Delhi.

2.The State of Tamil Nadu,
Rep.by its Chief Secretary,
Secretariat,
Chennai-600 009.

3.The State of Tamil Nadu,
Rep.by its Home Secretary,
Secretariat,
Chennai-600 009.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents

(A) To establish a court order compliance department in every district in Tamil Nadu.

(B) To receive the Court order and ensure the implementations by the delinquent authorities.

(C) To inflect the suitable punishment to their delinquent authorities coming up with compliance report in the last minute that too after filing of contempt petition.

(D) By considering the petitioner's representation dated 14.08.2019.

For Petitioner : Mr.K.K.Ramesh
Party-in-Person



For R1

: Mr.V.Kathirvelu,
Additional Solicitor General
Assisted by Ms.Deepa,
Central Government Standing Counsel

For R2 & R3

: Mr.K.Chellapandian,
Additional Advocate General
Assisted by Mr.A.K.Bhaskara Pandiyan,
Special Government Pleader

ORDER

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

The petitioner, by way of this writ petition, which is designed as a Public Interest Litigation, prays for the following directions upon respondents,

(A) To establish a court order compliance department in every district in Tamil Nadu.

(B) To receive the Court order and ensure the implementations by the delinquent authorities.

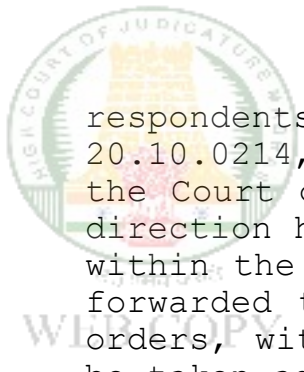
(C) To inflict the suitable punishment to their delinquent authorities coming up with compliance report in the last minute that too after filing of contempt petition.

(D) By considering the petitioner's representation dated 14.08.2019.

2.We have heard Mr.K.K.Ramesh, Party-in-Person and Mr.V.Kathirvelu, learned Additional Solicitor General, who is assisted by Ms.Deepa, learned Central Government Standing Counsel appearing for the first respondent and Mr.K.Chellapandian, learned Additional Advocate General, who is assisted by Mr.A.K.Bhaskara Pandiyan, learned Special Government Pleader appearing for the second and third respondents.

3.The grievance of the petitioner is that several orders passed by this Court as well as the Principal Bench, in matters relating to encroachment on water bodies, were not implemented by the delinquent authorities and after filing contempt petition, the order has been complied with by the authorities concerned. Therefore, it is submitted that there should be an establishment in every District to receive Court orders and ensure implementation of the same and if there is any non-compliance, suitable action must be taken as against the concerned Government Officials.

4.The learned Additional Advocate General appearing for the



respondents 2 and 3 submitted that the Government by letter, dated 20.10.2014, has issued specific instructions for implementation of the Court orders, within the prescribed time limit. Accordingly, a direction has been issued that Court orders are to be complied with within the prescribed time. The letter of the Government has been forwarded to all Districts and for any non-compliance of the Court orders, within the prescribed time limit, departmental action shall be taken against the concerned authorities.

5.Mr.K.K.Ramesh, party-in-person, agrees that the Government has issued instructions for compliance of the Court orders. However, several orders have not been implemented by the concerned authorities and, therefore, prays for the directions in this writ petition.

6.The learned Additional Advocate General submitted that for the implementation of Court orders, a new post of Personal Assistant (Legal) to the District Collector in each District has been created to ensure the effective compliance of the Court orders and directions. Therefore, it is not necessary for issuing any directions as sought for by the petitioner.

7.After hearing Mr.K.K.Ramesh, party-in-person and the learned Additional Advocate General appearing for the respondents 1 & 2, we find that appropriate instructions have been issued by the Government as to how all the authorities have to act, whenever there is a direction from the Court. This instruction has been issued on 20.10.2014 and apart from that we are informed that a new post of Personal Assistant (Legal) to the District Collector is created for each District to ensure the effective compliance of the Court orders.

8.Considering the fact that the instructions have been issued in the year 2014, we are of the opinion that a system has been put in place for effective compliance of the Court orders and directions / instructions have also been given to the officials to comply with the Court orders. The Personal Assistant (Legal) to the District Collector, shall call for a report from the authorities to ensure effective compliance of the Court orders and the District Collector in each of the Districts shall examine all the reports and shall issue instructions, if there is any requirement for issuance of instructions like the above said instructions dated 20.10.2014.

9.In this regard, the learned Additional Advocate General shall give instructions to appropriate authorities by enclosing the instructions dated 20.10.2014 and a copy of this order so as to ensure effective compliance of the Court orders. The learned Additional Advocate General is directed to forward a copy of this order to the learned Additional Solicitor General, Chennai, to take appropriate action.



10. With the above observations and directions, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

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// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Home Secretary,
Ministry of Home Affairs,
North Block, New Delhi.

2. The Chief Secretary,
Secretariat,
Chennai-600 009.

3. The Home Secretary,
Secretariat,
Chennai-600 009.

+2 CC to M/s.B.DEEPA, Advocate (SR-86177[F] dated 10/09/2019)

+1 CC to M/s.GP (SR-86298[F] dated 12/09/2019)

W.P. [MD] No. 19543 of 2019
10.09.2019

JMN (24.10.2019) 4P : 7C