

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 31.01.2020

Orders Pronounced on : 14.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Contempt Petition No.1022 of 2017

G.Kamala

.. Petitioner

Vs.

1. Mr.Atulya Misra, I.A.S.,
The Principal Secretary to Government,
Energy Department,
State of Tamil Nadu,
Fort St.George, Chennai-600 009.

2. Mr.Saikumar, I.A.S.,
The Chairman,
Tamilnadu Electricity Board/TANGEDCO,
No.800, Anna Salai,
Chennai-600 002.

3. Er.Ravi,
The Chief Engineer (Personal),
Tamil Nadu Electricity Board/TANGEDCO,
No.800, Anna Salai,
Chennai-600 002.

4. Er.M.Thirumal,
The Superintending Engineer/Civil,
Mettur Thermal Power Project,
Metturdam-636 406. Salem District.

.. Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act to punish the respondents for the disobedience of this Court's order dated 23.11.2016 made in W.P.No.41078 of 2016.

For petitioner : Mr.M.R.Jothimanian

For respondents : Mr.M.Elumalai, Govt. Advocate for R-1

Mr.G.Anand Gopalan for
M/s.T.S.Gopalan and Co.,
for RR-2 to 4

ORDER

The present Contempt Petition has been filed alleging non-compliance of the order of this Court, dated 23.11.2016 made in W.P.No.41078 of 2016, in and by which, the following order was passed:

"6. Considering the submission of the learned counsel appearing for the petitioner and also considering the Common Order of this Court made in W.P.No.22326 of 2013 to W.P.No.22330 of 2013, dated 12.8.2015, by which the similarly placed persons were also provided with employment under the rehabilitation scheme formulated by the respondents under the land acquisition category, this Court is of the view that the impugned order of the fourth respondent has to be quashed and the petitioner or any one of her family members is also entitled for employment.

7. Accordingly, the impugned order of the fourth respondent stands quashed and the writ petition is allowed. The petitioner is directed to give a fresh representation to the respondents along

<https://hcservices.ecourts.gov.in/hcservices/> with a copy of this Order within a period

of two weeks from the date of receipt of a copy of this Order and on receipt of the same, the respondents are directed to consider the claim of the petitioner afresh on merits and in accordance with law and also in the light of the order of this Court made in W.P.No.22326 of 2013 to W.P.No.22330 of 2013, dated 12.8.2015 and W.P.Nos.32818 to 32820 of 2002 dated 13.9.2012 and in W.P.No.31620 of 2016 dated 3.10.2016, within a period of four weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed."

2. The abovesaid order was passed based on the order passed in respect of similarly placed persons like that of the writ petitioner/contempt petitioner herein, and it is stated by the learned counsel for the petitioner that those similarly placed persons have been provided with employment. Since their lands were acquired by the Tamil Nadu Electricity Board/TANGEDCO for the purpose of the project of the Board, based on the said order passed in respect of the similarly placed persons, the abovesaid Writ Petition was allowed in the terms extracted above. Since the above extracted order of this Court had not been complied with, the present Contempt Petition is filed.

3. When the Contempt Petition is taken up for

<https://hcservices.ecourts.gov.in/hcservices/> consideration, the learned counsel for the petitioner made

detailed submissions stating that the order under Contempt had not been complied with by the respondents, inspite of the specific direction given by this Court as extracted above. It is alleged by the petitioner that though her land was acquired by the respondents for the project in question, she was not provided with employment, even though there was a direction in that regard by this Court as extracted above.

4. In reply, the learned counsel appearing for the respondents 2 to 4/TNEB made submissions stating that this Court had not issued any positive direction in the order under contempt, in which, this Court had only directed to consider the representation of the petitioner in the light of the earlier order passed in respect of similarly placed persons. So far as the present petitioner is concerned, the land was acquired not for the purpose of project of the TNEB and that the land was never in possession of the TNEB. The learned counsel further submitted that originally, the lands were allotted by the Government by way of 'lot system' to 358 families, who have built houses and the Panchayat had also built schools, temples, etc., in the said lands. The Government had also issued Patta (HSB) to the concerned land owners. The Government had acquired lands from 24 families including that of the petitioner to rehabilitate the said 358 families which had been affected by acquisition. Except the petitioner, nobody sought for employment or was given

employment to any of the 24 families, as the lands acquired from them have not been used for the project of the TNEB. The lands acquired from the said 24 families, were used only for the purpose of providing alternative lands to the said 358 families, whose lands were acquired for the purpose of the project of the TNEB. In fact, the lands were acquired admittedly in 2003-2004. The petitioner who knows very well that the employment was not provided to the said 24 families, has filed the present Writ Petition in the year 2016, with a delay of 12 years. In fact, there was an inordinate delay, which itself defeats the very purpose of the Scheme. The Scheme was envisaged to protect the families which were deprived of their income owing to the acquisition of the lands. In the present case, the family had been able to survive for more than 15 years even after acquisition of the land. This itself would show that the acquisition of the land had not affected the source of income of the family. Hence, the respondents/TNEB pray that they have not committed any contempt.

5. Keeping the above submissions in mind, we have perused the materials available on record.

6. From the above submissions, it is clear that originally, the land of the petitioner was acquired for the project of the TNEB and 358 families were evicted. Subsequently, in order to accommodate these 358 families, the

lands of these 24 families were acquired. Thus, it is evident that the lands belonging to these 24 families were not used for the project of the TNEB. But the TNEB has given assurance to provide employment only for those land owners whose lands were used for the TNEB project. Since the lands of these 24 families were not used for the project, the petitioner and 24 families were not provided any employment. In fact, except the petitioner, none other claim employment. Moreover, this Court has given direction in the order under contempt only to consider the representation and no positive direction was given by this Court to provide employment. In fact, while considering the representation of the petitioner, the same was also rejected by the authority.

7. For all the above reasons, this Court does not find any contempt being made out in this case. Accordingly, the Contempt Petition is dismissed. No costs.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

CS

//Certified to be true copy//

Dated at Madras this the day of 2020.

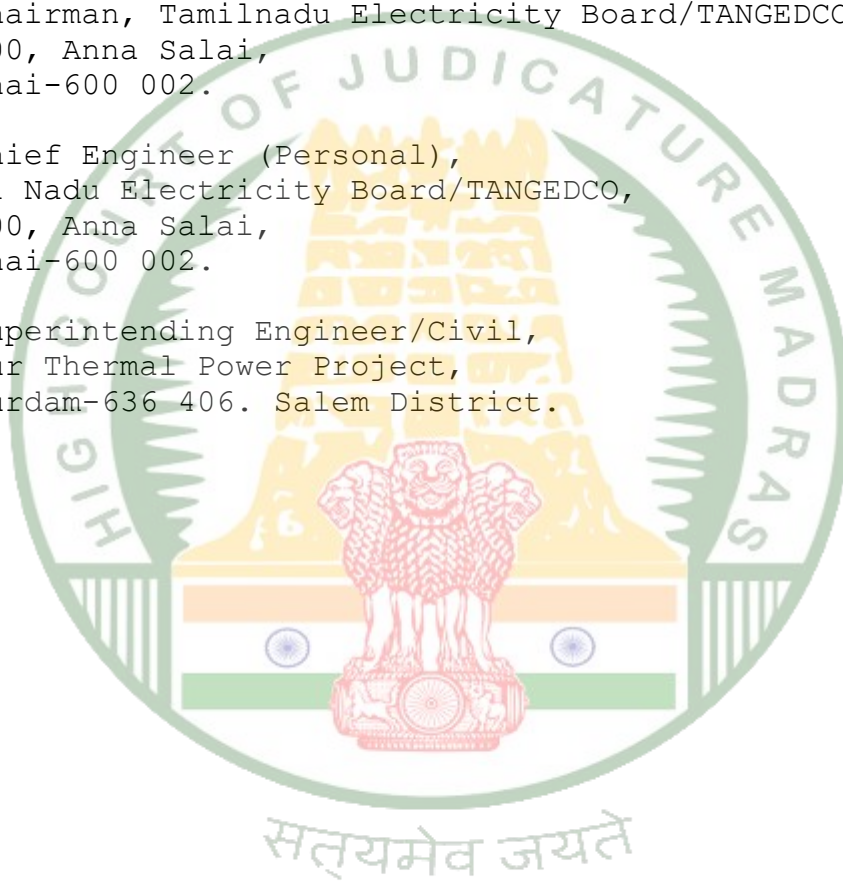
COURT OFFICER(O.S.)

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NRK/20/02/2020

To

1. The Principal Secretary to Government,
Energy Department, State of Tamil Nadu,
Fort St.George, Chennai-600 009.
2. The Chairman, Tamilnadu Electricity Board/TANGEDCO,
No.800, Anna Salai,
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3. The Chief Engineer (Personal),
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