



Contempt Petition No.294 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.DURAI SWAMY

AND

THE HON'BLE MRS.JUSTICE R.HEMALATHA

Contempt Petition No.294 of 2021

Kavitha,
Thanda Fourt Roads,
Singiripatti Village,
Kolathur, Mettur Taluk,
Salem District

... Petitioner

Vs.

1.Ms.Kothai,
Assistant Divisional Engineer (Highways) C & M,
Tamil Nadu State Highways Department,
Mettur, Salem District.

2.Sathyamoorthy,
Junior Engineer (Highways) C & M,
Tamil Nadu State Highways Department,
Mettur, Salem District.

... Respondents

Contempt Petition filed under Section 11 of Contempt of Courts Act to punish the respondents for the willful disobedience of the orders of this Court passed in W.P.No.18127 of 2020 dated 07.12.2020.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.M.Venkateswaran,
Government Advocate



ORDER

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(Order of the Court made by M.DURAI SWAMY, J.)

The Hon'ble Division Bench of this Court, while disposing of the Writ Petition in W.P.No.18127 of 2020 by order dated 07.12.2020, gave liberty to the petitioner to submit a detailed representation, by enclosing relevant and authenticated documents to the 2nd respondent within a period of two weeks from the date of receipt of the copy of the order and upon receipt of the same, the 2nd respondent was directed to consider the said representation on merits and in accordance with law and also in the light of the provisions of the Highways Act and pass appropriate orders within a further period of three weeks thereafter and communicate the decision taken to the petitioner and till such time, directed the 2nd respondent to defer further decision in terms of the impugned notice dated 15.10.2020. The Hon'ble Division Bench also made it clear that the petitioner, till the disposal of the representation by the 2nd respondent, shall not create any third party rights in respect of the land and superstructure in question.

2.Mr.V.Elangovan, learned counsel for the petitioner submitted that in disobedience of the order of the Hon'ble Division Bench of this Court, dated 07.12.2020, the 1st respondent viz., Assistant Divisional Engineer (Highways) C & M, in the Contempt Petition, had demolished the



superstructure on 30.12.2020 itself. The learned counsel also submitted that the copy of the order dated 07.12.2020 made in W.P.No.18127 of 2020 was made ready on 06.01.2021 and the same was received by the petitioner on 25.01.2021, hence, the petitioner had time till 20.01.2021 to submit her representation to the 2nd respondent.

3.The 1st respondent contended that she received the web-copy of the order passed in W.P.No.18197 of 2020 on 14.12.2020 itself, therefore, after issuing notice to the Writ Petitioner, she demolished the superstructure on 30.12.2020.

4.Pursuant to the orders of this Court dated 13.07.2021, the respondents in the Contempt Petition viz., Ms.Kothai, Assistant Divisional Engineer (Highways), C & M, Tamil Nadu State Highways Department, Mettur, Salem District and Mr.Sathyamoorthy, Junior Engineer (Highways) C & M, Tamil Nadu State Highways Department, Mettur, Salem District were present before this Court and the 1st respondent viz., Ms.Kothai, submitted that she had demolished the superstructure on 30.12.2020 by mistake, taking into consideration the receipt of the web-copy of the order on 14.12.2020 passed in the Writ Petition. She has also stated that her superiors had given instructions to demolish the building on 30.12.2020.

5. At the time of hearing the Contempt Petition on 20.07.2021,



Ms.Kothai, the 1st respondent in the Contempt Petition, submitted that she is willing to compensate the petitioner by paying a sum of Rs.50,000/-.

Mr.V.Elangovan, learned counsel for the petitioner submitted that the petitioner is also agreeable to receive the said sum of Rs.50,000/- as compensation. Recording the submissions made by the learned Government Advocate and also the submission made by the learned counsel for the petitioner, we have adjourned the Contempt Petition to today (i.e.) 23.07.2021 for filing an affidavit of the 1st respondent and also for payment of Rs.50,000/- (Rupees fifty thousand only) by way of Demand Draft drawn in favour of the petitioner.

6.Pursuant to the orders of this Court, the 1st respondent filed an affidavit dated 23.07.2021, wherein she has stated that she had no intention to disregard the orders of this Court and was under the genuine impression that two weeks period commenced from 14.12.2020. The 1st respondent also tendered her unconditional apology and submitted that the said act was committed only due to the said reason. She has also handed over a Demand Draft for Rs.50,000/- (Rupees fifty thousand only) bearing No.927120 dated 22.07.2021 drawn on Canara Bank, Johnsonpet, Salem – 636 007, in favour of the petitioner to Mr.V.Elangovan, learned counsel for the petitioner, who also acknowledged the receipt of the same. The 1st respondent, who is also



present in the Court, submitted that she has not stated anything against the order passed by this Court in the Writ Petition in W.P.No.18127 of 2020 at the time of demolishing the superstructure on 30.12.2020 or on any other date to the petitioner. The 1st respondent has submitted that she has only by mistake demolished the superstructure under the genuine impression that the two weeks period commenced from 14.12.2020.

7.The submission made by the 1st respondent is also recorded.

8.In view of the above, Mr.V.Elangovan, learned counsel for the petitioner and Mr.M.Venkateswaran, learned Government Advocate for the respondents submitted that the Contempt Petition may be closed.

9.Having regard to the submissions made by the learned counsel on either side and also the submission made by the 1st respondent, we are of the considered view that the Contempt Petition can be closed. Accordingly, the Contempt Petition is closed.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

va

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)
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CS/28/07/2021



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To
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- 1.The Assistant Divisional Engineer (Highways) C & M,
Tamil Nadu State Highways Department,
Mettur, Salem District.
- 2.The Junior Engineer (Highways) C & M,
Tamil Nadu State Highways Department,
Mettur, Salem District.