

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2021

CORAM

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Cont.Petn.No.1944 of 2016

Sathish

... Petitioner

Vs.

Mr.M.Narayanan,
The Revenue Divisional Officer,
O/o.The Sub Divisional Magistrate-cum-
Revenue Divisional Officer,
Ponneri, Thiruvallur District..

... Respondent

PRAYER: Contempt Petition is filed under Section 11 of Contempt of Courts Act for wilful disobeying the order of this Court dated 11.06.2015 in CrI.RC.No.478 of 2015.

For Petitioner : Mr.S.Udhayakumar

For Respondent : Mr.C.Iyyapparaj, APP.

ORDER

This contempt petition is filed for wilful disobeying the order of this Court dated 11.06.2015 in CrI.RC.No.478 of 2015.

2. The facts of the case is that the petitioner was running a prawn farm at Karumbur Village, Ponneru Taluk, Thiruvallur District, since the drainage water was connected to the nearby canal, it was objected by the people in the locality and thereby based on the report of the agricultural department a show

cause notice was issued to the petitioner on 16.04.2015, directing the petitioner to appear and submit his explanation. Since, the petitioner had not given any reply to the notice. The respondent has passed impugned order under Section 133(A) of Cr.PC to the petitioner directing him to remove the prawn farm.

3. Aggrieved by the same, the petitioner had filed the Crl.R.C.No.478 of 2015 before this Court and this Court while disposing the revision, had directed the petitioner to appear before the respondent within a period of one week from the date of receipt of a copy of the order and further directed the respondent to treat the impugned order as a Show Cause Notice and grant an opportunity to the petitioner to adduce evidence in reply to the Show Cause Notice to show that there is no violation in running the prawn farm.

4. It is the further case of the petitioner that pursuant to the order of this Court, he had appeared before the respondent on 01.07.2015 and gave oral explanation and thereafter, he had appeared before the respondent on 31.03.2016 and given a reply in writing. It is the further case of the petitioner that the respondent has not passed any order. While that was so, on the instruction of the respondent, the Deputy Superintendent of Police, Gummidipoondi, had removed the prawn farm forcibly and thereby, the present contempt petition has been filed seeking to punish the Contemnor for wilful disobedience of the order of this Court.

5. The respondent/Contemnor has filed status report, in the status report it is stated that during March 2014, a petition was received from the general public of Karumbur Village, Ponneri Taluk. The grievance of the villagers is that the petitioner was running prawn farm in S.No.166/2 & 164/4 in Karumbur Village, Ponneri Taluk, Tiruvallur District, and the effluent let out from the said farm was affecting the agricultural land and the drinking water in the said locality. Based on the petition, the respondent had issued show cause notice under Section 133(A) of Cr.PC vide Proceedings in NA.KA.No.1949/2014/A1 to the petitioner for removing his prawn farm from the above mentioned area and the same was acknowledged and received by the petitioner. Thereafter the petitioner had challenged the show cause notice by way of revision petition in CrI.RC.No.478 of 2015 and when the matter came up before this Court, this Court had directed the respondent to conduct an enquiry within a period of one week. It is further submitted that pursuant to the order the petitioner was called for enquiry by the respondent and he appeared before the then RDO, Mr.Narayanan on 01.07.2015 and submitted his written submission that he was running prawn farm with proper permission and no nuisance or violation was caused to any other person. In the meanwhile, the then RDO, Mr.Naryanan was transferred on 25.07.2016. Thereafter, Mr.V.P.Dhandapani, IAS who took charge as Sub Divisional Magistrate and

Sub Collector, Ponneri continued with the enquiry and during the enquiry, it came to light that the petitioner was not running the prawn farm due to expiry of licence and accordingly, he had passed proceedings vide NA.KA.No.1949/A1 dated 22.09.2016 and the same was also received by the petitioner on 26.09.2016 in person and thereby, there was no contempt committed by the respondent.

6. Further, the respondent has also tendered unconditional apology stating that there is neither wilful or deliberate intention to disobey the order of this Court and that due enquiry was conducted and order of this Court has been complied with, though with little delay.

7. The learned Additional Public Prosecutor would submit that subsequent to the order passed by this Court due enquiry was conducted by the then RDO Mr.Narayanan, wherein the petitioner appeared in person and after his transfer, Mr.VP.Dhandapani, IAS who assumed charge as Sub Divisional Magistrate and Sub Collector, Ponneri had conducted enquiry. The Authority finding that the petitioner had closed the prawn farm due to expiry of license had passed proceedings vide NA.KA.No.1949/A1 dated 22.09.2016 and the order was also received by the petitioner on 26.09.2016 in person and he has

also acknowledged the same by affixing the signature in the Register maintained by the office of the RDO. He would submit that no contempt has been committed by the respondent. However, he would on behalf of the respondent tender unconditional apology.

8. Heard both sides and perused the materials available on record.

9. At this juncture, the learned counsel for the petitioner would submit that the petitioner was not served with the copy of this order. However, he would submit that during the earlier hearing on 09.02.2021 before this Court, the copy of the order was served and he would pray that he may be granted liberty to challenge the impugned order.

10. This Court satisfied with the reasons stated in the status report filed on behalf of the respondent. This Court is of the opinion that no contempt has been committed by the respondent. However, liberty is granted to the petitioner to challenge the impugned proceedings dated 22.09.2016 vide NA.KA.No.1949/A1 passed by the Sub Divisional Magistrate and Sub Collector, Ponneri, if necessary, within four weeks from the date of receipt of a copy of the order.

11. In view of the above, the contempt petition stands closed. No costs.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

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//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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To

The Revenue Divisional Officer,
O/o.The Sub Divisional Magistrate-cum-
Revenue Divisional Officer,
Ponneri, Thiruvallur District.

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