



WEB COPY

Cont.P.No.763 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Contempt Petition No.763 of 2021

Happiness Towers Residents Association
Represented by its President K.L.Subramanian
S/o Late K.S.Lakshmy Narayanan
C-1402, Happiness Towers, Padur
Chennai 603 103.

... Petitioner

-Vs-

1. A.R.Ragul Nadh I.A.S.,
The District Collector, Chengalpattu
District Collector's Office, GST Road
Chengalpattu District, Chengalpattu-603 001.
2. V.M.Rajendran
The Member Secretary, Local Planning
Authority, Mamallapuram, Chengalpattu
District, Chengalpattu District Town and
Country Planning Office, 124 GST Road
Periyar Shopping Complex, Chengalpattu-603 001.
3. Vasudevan
Special Officer, Padur Village Panchayat
Chengalpattu Block/Tehsil
Kanchipuram District Kanchipuram 603 103
4. Devendran
Special Officer, Puddupakkam Village Panchayat
Thiruporur Block, Kanchipuram District,
7/7, Pudupakkam Pradhana Salai,
Pudupakkam, Kanchipuram-603 001.



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5. Rocky Israni

Managing Director, Pacifica(Chennai Project) Infrastructure
Company Private Limited Represented by its
Managing Director, 33 Amarpalsh Bungalows
Behind Fun Republic, Ramdeva Nagar,
Ahmedabad – 380 015.

6 Manimaran

The Inspector of Police, E8 Kelambakkam
Police Station, Old Mahabalipuram Road
Kelambakkam 603103

7. Venkatraghavan

The Block Development Officer
Thiruporur Block, Kanchipuram District.

... Respondents

Prayer : Contempt Petition under Section 11 of the Contempt of Courts Act, 1970, to punish the respondents for having committed Contempt of Court for disobeying the order dated 07.05.2021 made in W.M.P No.12092 of 2021 in W.P No.11401 of 2021.

For Petitioner	: Mrs.Dakshyini Reddy
For Respondent	: Mr.Richardson Wilson, Government Counsel - for R1 Mr.M.Elumalai – for RR 2,3,4 and 7

ORDER

This Contempt Petition has been filed for the alleged disobedience of the orders of this Court dated 07.05.2021 made in W.M.P No.12092 of 2021 in W.P No.11401 of 2021.



2. In the said order, this Court had given a direction to the official respondents including the Block Development Officer of the concerned Panchayat Union to take effective steps through the third respondent ie., the Padur Village Panchayat Union represented by the Special Officer to provide electricity supply to the street lights which were already erected to the project / approach road to the petitioner residential apartments as the said road has already been handed over to the third respondent until further orders.

3. According to the petitioner, the said order has not been complied with and no electricity supply has been given to the street lights erected in the project/approach road to the petitioner residential apartments.

4. On notice, Mr.Elumalai entered appearance on behalf of the contesting respondent ie., the Block Development Officer and has filed a counter affidavit and typed set of documents.

5. In the said counter affidavit, the Block Development Officer has stated the following:-

“ 3. It is respectfully submitted that originally the petitioner association alienated the Gift Deed No.4784 of 2011 dated 25.04.2011 in favour of Padur Village Panchayat (3rd respondent herein) as well as Gift Deed No.4783 of 2011 dated 24.05.2011 alienated in favour of Pudupakkam Village



Panchayat (4th respondent herein). As per the both Gift Deeds 800 mtrs of length of land has been handed over to the respondents 3rd and 4th. As per the schedule mentioned property like 800 mtrs, the 3rd and 4th respondents are legally bounded authorities to the petitioner's association to complied with the requirements like

(i) To provide electricity connection

(ii) To provide Water Connection

Accordingly on 17.10.2020 itself 11 street lamp posts which were erected, simultaneously in which lights also fixed. Which itself clearly reveals that the 3rd and 4th respondent herein have complied with their mandatory and basic amenities including electricity connection even before receiving the Hon'ble High Court Order in W.P.No.11401/2021 dated 04.06.2021.”

6. Also, the learned counsel for the Block Development Officer has relied upon the two gift deeds dated 27.05.2011 given in favour of the local bodies and has submitted that, insofar as the two gift deeds in Document Nos.4783 and 4784 of 2011 dated 27.05.2011 and 04.05.2011 respectively are concerned, only 800 metres length of road alone has been handed over to the 3rd and 4th respondents ie., the local bodies. As per the schedule mentioned property viz., the 800 mtrs road stretch, the 3rd and 4th respondents are of course legally bounded authorities to provide electricity



to the street lights erected therein. In this context, he further submitted that, already 11 Nos. of street light poles have been erected, where lamps have been fixed and electricity connection has also been provided to those lamps.

7. In support of this, some photographs have also been annexed in the typed set of papers. Relying upon the same, the learned counsel would submit that, 11 Nos. of street lights have been erected in the 800 mtr stretch for which electricity has been supplied and handed over to the local bodies. Therefore, according to the respondents, the order of this Court has been complied with.

8. Learned counsel for the petitioner would submit that, only 800 mtr length of road has been taken into account by the respondent, by stating the two gift deeds dated 27.05.2011 and 04.05.2011. However, the remaining road is there, where street lights, though had been fixed, no electricity supply is given.

9. In this context, relying upon the relevant rules which govern the planning authority for giving permission, the learned counsel for the petitioner would submit that, before granting the planning permission for construction of apartments and formation of the roads, the public road or public areas which were earmarked in the plan shall be handed over by the developer to and in favour of the local authorities and only after ensuring



the same, the plan should have been approved. According to the learned counsel for the petitioner, it is presumed that once they grant plan approval it means that the public utility area including roads have been handed over to the local authority.

10. However, this Court feels that, based on such presumption we cannot pass any orders at this stage and that too in this Contempt Petition, as the Block Development Officer who is the 7th respondent herein has asserted that, as per the Gift Deeds dated 27.05.2011 and 04.05.2011, only 800 mtr stretch of road has been handed over, where 11 Nos. of street lights have been erected for which electricity supply has already been given and the street lights are burnt throughout the night. In order to establish the same, the photographs taken during night time has been annexed in the typed set of papers.

11. Therefore, insofar as the other grievance of the petitioner that, electricity supply has not been given to the remaining streetlights located beyond the 800 mtr stretch is concerned, that issue can be gone into in the main writ petition which is pending. Therefore, recording the aforesaid development, this Court feels that, the respondents since have complied with the interim orders passed by this Court on 07.05.2021, no further orders are



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12. However, it is made clear that, the closing of this contempt petition will not give any leverage to the respondents to cut the electricity supply given in the 800 mtr stretch ie., the road already handed over to the local bodies and the respondents shall ensure continuous supply of electricity to the streetlights without any break.

13. With the aforesaid directions, this contempt petition is closed. Consequently, connected sub-application is also closed.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

kst

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)
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GS/23/07/2021

To

1. The District Collector,
Chengalpattu
District Collector's Office, GST Road
Chengalpattu District, Chengalpattu-603 001.

2. The Member Secretary,
Local Planning Authority
Mamallapuram,



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Chengalpattu District, Chengalpattu District Town and
Country Planning Office,
124 GST Road, Periyar Shopping Complex,
Chengalpattu-603 001.

3. The Special Officer,
Padur Village Panchayat
Chengalpattu Block/Tehsil,
Kanchipuram District
Kanchipuram 603 103
4. The Special Officer,
Puddupakkam Village Panchayat
Thiruporur Block, Kanchipuram District,
7/7, Pudupakkam Pradhana Salai,
Pudupakkam, Kanchipuram-603 001.
5. The Inspector of Police,
E8 Kelambakkam
Police Station, Old Mahabalipuram Road
Kelambakkam 603103
6. The Block Development Officer
Thiruporur Block, Kanchipuram District.