



WEB COPY

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

Cont.P.Nos. 1738, 1741, 1743, 1752, 1753,
1754, 1755, 1756, 1764, 1765 & 1850 of 2019
in
W.P.Nos.16084 of 2017, 6980, 6981, 6982, 6983,
6984, 6985, 7306, 7307, 18607 and 19775 of 2018

Cont.P.No.1738 of 2019:

Sidhan,
S/o.Periyapalani,
Errapatti Village,
A.Jettihalli Post,
Dharmapuri 636 807

... Petitioner

Vs

1. Malarvizhi, I.A.S.,
The District Collector,
Dharmapuri District,
Dharmapuri-636 705.

2. The District Collector,
Krishnagiri.
[*suo motu* implead as the second respondent
as per the order of the Court dated 01.11.2019
in Contempt Petition No.1738 of 2019 as per
the order of the Court dated 07.02.2020]

3. The Executive Engineer,
TNHB, Hosur.
[*suo motu* impleaded as party 2nd respondent
made in Cont.P.Nos.1753 to 1756, 1738, 1741,
1743, 1764, 1765 and 1850 of 2019
dated 07.02.2020]

... Respondents



Prayer in Cont.P.No.1738 of 2019:- Contempt Petitions are filed under Section 11 of Contempt of Court Act, 1971 to punish the respondents for disobeying the order passed by this Court in W.P.No.16084 of 2017, dated 12.06.2018.

Cont.P.No.1741 of 2019:

Manickam,
S/o. Mepcherri,
Errapatti Village,
A.Jettihalli Post,
Dharmapuri 636 807

... Petitioner

Vs

1. Malarvizhi, I.A.S.,
The District Collector,
Dharmapuri District,
Dharmapuri-636 705.

2. The Executive Engineer,
TamilNadu Housing Board,
Hosur.

[*suo motu* impleaded as party 2nd respondent
made in Cont.P.Nos.1752 to 1756, 1738, 1741,
1743, 1764, 1765 and 1850 of 2019
as per the order of the Court dated 07.02.2020]

... Respondents

Prayer in Cont.P.No.1741 of 2019:- Contempt Petitions are filed under Section 11 of Contempt of Court Act, 1971 to punish the respondents for disobeying the order passed by this Hon'ble Court in W.P.No.7307 of 2018, dated 12.06.2018.

Cont.P.No.1743 of 2019:

Chinnakannu,
S/o.Vajaravel,
Oddapatti Village,
A.Jettihalli Post,
Dharmapuri 636 807

... Petitioner



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Vs

1. Malarvizhi, I.A.S.,
The District Collector,
Dharmapuri District,
Dharmapuri-636 705.

2. The Executive Engineer,
TamilNadu Housing Board,
Hosur.

[*suo motu* impleaded as party 2nd respondent
made in Cont.P.Nos.1752 to 1756, 1738, 1741,
1743, 1764, 1765 and 1850 of 2019
as per the order of the Court dated 07.02.2020]

... Respondents

Prayer in Cont.P.No.1743 of 2019:- Contempt Petitions are filed under Section 11 of Contempt of Court Act, 1971 to punish the respondents for disobeying the order passed by this Hon'ble Court in W.P.No.6985 of 2018, dated 12.06.2018.

Cont.P.No.1752 of 2019:

Muthan Poojari,
S/o.Marimuthu,
Opp. To Govt.Arts college,
Collectorate Post,
Dharmapuri District

... Petitioner

Vs

1. Malarvizhi, I.A.S.,
The District Collector,
Dharmapuri District,
Dharmapuri-636 705.

2. The Executive Engineer,
TamilNadu Housing Board,
Hosur.

[*suo motu* impleaded as party 2nd respondent
made in Cont.P.Nos.1752 to 1756, 1738, 1741,
1743, 1764, 1765 and 1850 of 2019
as per the order of the Court dated 07.02.2020]

... Respondents



Prayer in Cont.P.No.1752 of 2019:- Contempt Petitions are filed under Section

11 of Contempt of Court Act, 1971 to punish the respondents for disobeying the order passed by this Hon'ble Court in W.P.No.6983 of 2018, dated 12.06.2018.

Cont.P.No.1753 of 2019:

Munusamy,
S/o.Duraikaveri,
Errapatti Village,
A.Jettihalli Post,
Dharmapuri 636 807

... Petitioner

Vs

1. Malarvizhi, I.A.S.,
The District Collector,
Dharmapuri District,
Dharmapuri-636 705.

2. The Executive Engineer,
TamilNadu Housing Board,
Hosur.

[*suo motu* impleaded as party 2nd respondent
made in Cont.P.Nos.1752 to 1756, 1738, 1741,
1743, 1764, 1765 and 1850 of 2019
as per the order of the Court dated 07.02.2020]

... Respondents

Prayer in Cont.P.No.1753 of 2019:- Contempt Petitions are filed under Section

11 of Contempt of Court Act, 1971 to punish the respondents for disobeying the order passed by this Hon'ble Court in W.P.No.6981 of 2018, dated 12.06.2018.

Cont.P.No.1754 of 2019:

E.Anandan,
S/o.Ellappan,
Errapatti Village,
A.Jettihalli Post,
Dharmapuri 636 807

... Petitioner



1. Malarvizhi, I.A.S.,
The District Collector,
Dharmapuri District,
Dharmapuri-636 705.

2. The Executive Engineer,
TamilNadu Housing Board,
Hosur.

[*suo motu* impleaded as party 2nd respondent
made in Cont.P.Nos.1752 to 1756, 1738, 1741,
1743, 1764, 1765 and 1850 of 2019
as per the order of the Court dated 07.02.2020]

... Respondents

Prayer in Cont.P.No.1754 of 2019:- Contempt Petitions are filed under Section 11 of Contempt of Court Act, 1971 to punish the respondents for disobeying the order passed by this Hon'ble Court in W.P.No.6980 of 2018, dated 12.06.2018.

Cont.P.No.1755 of 2019:

Varadhan,
S/o.Durai Ammachi,
Errapatti Village,
A.Jettihalli Post,
Dharmapuri 636 807

... Petitioner

Vs

1. Malarvizhi, I.A.S.,
The District Collector,
Dharmapuri District,
Dharmapuri-636 705.

2. The Executive Engineer,
TamilNadu Housing Board,
Hosur.

[*suo motu* impleaded as party 2nd respondent
made in Cont.P.Nos.1752 to 1756, 1738, 1741,
1743, 1764, 1765 and 1850 of 2019
as per the order of the Court dated 07.02.2020]

... Respondents



Prayer in Cont.P.No.1755 of 2019:- Contempt Petitions are filed under Section

11 of Contempt of Court Act, 1971 to punish the respondents for disobeying the order passed by this Hon'ble Court in W.P.No.7306 of 2018, dated 12.06.2018.

Cont.P.No.1756 of 2019:

Muthan Poojari,
S/o. Marimuthu,
Opp. To Govt. Arts College,
Collectorate Post,
Dharmapuri District

... Petitioner

Vs

1. Malarvizhi, I.A.S.,
The District Collector,
Dharmapuri District,
Dharmapuri-636 705.

2. The Executive Engineer,
TamilNadu Housing Board,
Hosur.

[*suo motu* impleaded as party 2nd respondent
made in Cont.P.Nos.1752 to 1756, 1738, 1741,
1743, 1764, 1765 and 1850 of 2019
as per the order of the Court dated 07.02.2020]

... Respondents

Prayer in Cont.P.No.1756 of 2019:- Contempt Petitions are filed under Section

11 of Contempt of Court Act, 1971 to punish the respondents for disobeying the order passed by this Hon'ble Court in W.P.No.6982 of 2018, dated 12.06.2018.

Cont.P.No.1764 of 2019:

Chinnakannu,
S/o. Vajaravel,
Oddapatti Village,
A Jettihalli Post,
Dharmapuri 636 807

... Petitioner



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Vs

1. Malarvizhi, I.A.S.,
The District Collector,
Dharmapuri District,
Dharmapuri-636 705.

2. The Executive Engineer,
TamilNadu Housing Board,
Hosur.

[*suo motu* impleaded as party 2nd respondent
made in Cont.P.Nos.1752 to 1756, 1738, 1741,
1743, 1764, 1765 and 1850 of 2019
as per the order of the Court dated 07.02.2020]

... Respondents

Prayer in Cont.P.No.1764 of 2019:- Contempt Petitions are filed under Section 11 of Contempt of Court Act, 1971 to punish the respondents for disobeying the order passed by this Hon'ble Court in W.P.No.6984 of 2018, dated 12.06.2018.

Cont.P.No.1765 of 2019:

Perumal,
S/o. Gowru,
Errapatti Village,
A.Jettihalli Post,
Dharmapuri 636 807

... Petitioner

Vs

1. Malarvizhi, I.A.S.,
The District Collector,
Dharmapuri District,
Dharmapuri-636 705.

2. The Executive Engineer,
TamilNadu Housing Board,
Hosur.

[*suo motu* impleaded as party 2nd respondent
made in Cont.P.Nos.1752 to 1756, 1738, 1741,
1743, 1764, 1765 and 1850 of 2019
as per the order of the Court dated 07.02.2020]

... Respondents



Prayer in Cont.P.No.1765 of 2019:- Contempt Petitions are filed under Section

11 of Contempt of Court Act, 1971 to punish the respondents for disobeying the order passed by this Hon'ble Court in W.P.No.18607 of 2018, dated 24.07.2018.

Cont.P.No.1850 of 2019:

Munusamy,
S/o. Muniappan,
Errapatti Village,
A.Jettihalli Post,
Dharmapuri 636 807

... Petitioner

Vs

1. Malarvizhi, I.A.S.,
The District Collector,
Dharmapuri District,
Dharmapuri-636 705.

2. The Executive Engineer,
TamilNadu Housing Board,
Hosur.

[*suo motu* impleaded as party 2nd respondent
made in Cont.P.Nos.1752 to 1756, 1738, 1741,
1743, 1764, 1765 and 1850 of 2019
as per the order of the Court dated 07.02.2020]

... Respondents

Prayer in Cont.P.No.1850 of 2019:- Contempt Petitions are filed under Section

11 of Contempt of Court Act, 1971 to punish the respondents for disobeying the order passed by this Hon'ble Court in W.P.No.19775 of 2018, dated 02.08.2018.

For Petitioners
(in all petitions)
For R3
(in all petitions)

: Mr.V.R.Annagandhi
:
Mr.P.H.Arvinth Pandian
Additional Advocate General
Assisted by Dr.Gowri
Standing Counsel for TNHB



For RR1 &2
(in all petitions)

: Mr.M.Elumalai
Additional Government Pleader

COMMON ORDER

The learned Additional Advocate General probably has directed the Officials to come with the working sheet in terms of the statutory provisions. Accordingly, a working sheet is now produced before this Court by the respondents showing balance amounts payable by the respondents/contemnors to the petitioners in terms of decree of Civil Court. However, still there is a small discrepancy that was noticed by this Court. Since the respondents have come forward with the statement that was prepared adding interest upto 30.04.2021, this Court is of the view that the difference may be due to some error in interest component, and that Contempt Petitions can be closed. The petitioner's counsel may also verify the working sheet that has now been filed by the respondents in each case and note. Since the respondents have now come with the calculation, which is in tune with the provisions of the Land Acquisition Act, and taking into consideration the decree that was granted by the Civil Court, this Court has to consider as to whether the delay is bona-fide and in good faith or not. The learned Additional Advocate General made submissions to convince this Court, that the previous working sheet was due to bonafide mistake. This Court is of the view that the delay in payment may be due to some bona-fide mistake in calculating the



amount as per the statutory provisions and the decree. Since the respondent has agreed with the quantum as claimed by the petitioner in each case and undertaken to make payment without delay, this Court is inclined to close the contempt petitions.

2. Accordingly, the Contempt Petitions are closed. It is made clear that the Contempt Petitions are closed based on the undertaking that the respondents will make the payment as per the calculation/working sheet that is now produced by the learned Additional Advocate General before this Court, accepting the liability and to pay the amounts on or before 31.05.2021. However, the interest upto 31.05.2021 shall be calculated till the actual date of payment.

3. As pointed out by this Court about the discrepancies regarding quantum, the petitioner's counsel should also take up the matter to the Government by pointing out mistake or error in the working sheet now produced by the respondents before this Court or the execution Court, so that the small difference can also be sorted out.

4. As pointed out by this Court, the small discrepancy may be due to some error by inadvertence. This can be sorted out by the petitioners in the pending E.P. proceedings. Hence, all the Contempt Petitions are closed, subject to

the liberty to the petitioners to get the actual amount payable by the respondents as



per the decree passed by the Executing Court. The amount as per the working sheet shall be paid as undertaken.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

msm

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

GS/19/07/2021

To

1. The District Collector,
Dharmapuri District,
Dharmapuri-636 705.
2. The District Collector,
Krishnagiri.