



WEB COPY

Cont. P. No. 445 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2021

Coram :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

Contempt Petition No. 445 of 2017

S. Ponrajan,
No.7A, Amutha Illam,
II Street, Thirumalai Nagar,
old Perungalathur,
Chennai – 600 063

.. Petitioner

Versus

1. Mr. Vikram Kapoor, I.A.S.,
Government of Tamil Nadu
represented by its Secretary
Industries Department
Fort St. George
Chennai - 600 009

2. Mr. Palanisamy, I.A.S.,
The Commissioner
Geology and Mining
Guindy, Chennai

3. Mrs. Gajalakshmi, I.A.S.,
The District Collector
Kancheepuram District
Kancheepuram

.. Respondents

Contempt Petition filed under Section 11 of The Contempt of Courts Act, 1971 praying to punish the respondents for wilful disobedience of the order passed by this Court in WPMP No. 31515 of 2003 in WP No. 17549 of 2000 dated 23.10.2003 and 13.11.2002.



For Petitioner : Mr. Haja Nazaruddin, Senior Counsel
for Mr. S. Gopinathan
For Respondents : Mr. Stalin Abhimanyu
Government Counsel

ORDER

This contempt petition is filed by the petitioner complaining non-compliance of the orders dated 13.11.2002 and 23.10.2003 passed in WPMP No. 31515 of 2003 in WP No. 17549 of 2000.

2. It is brought to the notice of this Court that by the order dated 13.11.2002, this Court disposed of the writ petition No. 17549 of 2000 by imposing certain conditions for extension of the period of lease in so far as it relates to the balance unquarried period is concerned. Subsequently, at the instance of the writ petitioner, certain clarifications were made and the order dated 13.11.2002 was clarified on 23.10.2003 by this Court. According to the petitioner, the aforesaid orders have not been complied with by the petitioner and therefore, the present Contempt Petition is filed.

3. It is seen that as pursuant to the order dated 23.10.2003, the District Collector, Kancheepuram by proceedings in RC No. 1435/96-01 dated 27.04.2003 allowed the petitioner to continue the quarry operation. However, the petitioner complained that the alternate land over which licence to quarrying was given is a pathway and not suitable for quarrying. Such a request of the petitioner was specifically rejected by the District Collector vide Memo in



Rc.No.1435/1996/Q1 dated 20.08.2003. It is stated that the order of rejection

dated 20.08.2003 was not challenged by the petitioner, but he has sought for certain clarification in the order dated 13.11.2012 passed by this Court by filing WPMP No. 31515 of 2003 in WP No. 17549 of 2000. This Court also in the order dated 23.10.2003, clarified that the alternative two hectares of land may be allotted to the petitioner. It was also made clear that the petitioner cannot file an application for extension of the lease in respect of these two hectares of additional land and the petitioner cannot have quarry operation in the two hectares of land which are required for pathway. In the above circumstances, the Government filed Writ Appeal No. 3797 of 2004 against the order passed in the writ petition and it was dismissed on 10.11.2004. A Review Petition was also filed in Review Application No. 20 of 2005 and it was also dismissed on 10.11.2004. Thereafter, the petitioner had carried on quarrying operation for the remaining three years out of which, for the fifth year, the petitioner did not pay the lease amount. When it was insisted, the petitioner filed a fresh writ petition in WP No. 18235 of 2005 with a prayer to issue a Writ of Mandamus directing the respondents to adjust the proportionate lease amount payable to the petitioner for unquarried area of 2.00.0 hectares of the petitioner's stone quarry for the fifth year. This Court, by order dated 23.02.2006 directed the District Collector to consider granting extension of lease period for one year from the



date of payment of fifth year lease amount. Thereafter, the petitioner was also permitted to carry on quarrying operation for the remaining one year period also.

4. In the light of the above subsequent developments, this Court finds no disobedience of the order passed by this Court on the part of the respondents. Accordingly, the Contempt Petition is closed. No costs.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

rsh

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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Gs/04/10/2021

To

1. The Secretary,
Government of Tamil Nadu
Industries Department
Fort St. George, Chennai - 600 009

2. The Commissioner
Geology and Mining
Guindy, Chennai

3. The District Collector
Kancheepuram District
Kancheepuram