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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2022

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Contempt Petition No.1935 of 2015

S.K.Srinivasan

Petitioner

vs.

- 1.Dr.N.Saikumar, I.A.S.,
The Chairman
Tamil Nadu Generation and Distribution Corporation,
Anna Salai, Chennai 600 002.
- 2.Mr.Mohana Sundaram
Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation,
Thiruvallangadu.
- 3.Mr.Paulraj
Superintending Engineer,
General Construction Circle,
Kamaraj Nagar Colony,
Udayapatt, Salem – 636 014.
- 4.Mr.B.Abdul Rahim
Superintending Engineer,
Kancheepuram Electricity Distribution Circle,
Anna Maaligai, Olimohamedpet, Kanchipuram 631 502.
- 5.Mr.Kalai Chelvan,
Assistant Executive Engineer,
Transmission Lines Construction,
General Construction Circle,
Old Katpadi, Vellore – 632 007.
- 6.Mr.Mohan Raj.
Executive Engineer,
Transmission Lines Construction,
General Construction Circle,
Old Katpadi, Vellore – 632 007.



7. Mr. Ananda Bharathi,
Assistant Engineer,
Transmission Lines Construction,
General Construction Circle,
Old Katpadi, Vellore – 632 007.

Respondents

PRAYER : Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents for their wilful disobedience of the order dated 06.08.2015 made M.P.No.1 of 2015 in WP No.23874 of 2015 by this Court.

For Petitioner : Mr. Manjunath Karthikeyan for
M/s. S.R. Raghunathan

For Respondent : Mr. Madhusudhanan
Standing Counsel

ORDER

This contempt petition was filed for violation of the interim order passed by this Court on 06.08.2015. This Court while entertaining the contempt petition passed a detailed order as to how the interim order was violated by the respondents.

2. The writ petition itself was taken up for final hearing on 24.03.2022 and the writ petition was disposed of. While doing so, the learned Single Judge took note of the violation of the interim order and the penultimate paragraph of the order is extracted hereunder for proper appreciation:



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10. In the instant case, the respondents have given categorical instruction and without attempting to get any approval as contemplated under Sec.16 of the Act, the respondents have proceeded to erect the poles. Therefore, the action of the respondents is not only violation of Sec. 16 of the Act but also in violation of interim order granted by this Court in M.P.No.1 of 2015 dated 06.08.2015. Therefore, considering the totality of the circumstances, this Court directs the 1st respondent to take up the matter with the District Collector, Tiruvallur District and fix appropriate compensation as per the new Act, Right to Fair Compensation Act, 2013 and in the light of the G.O.Ms.No.86, Energy (A1) Department dated 30.10.2019 and pay compensation as becoming of the due respect to the Agriculture industry. The District Collector Tiruvallur is directed to complete the process within a period of 12 weeks from the date of receipt of the copy of this order.

3. While disposing of the writ petition, in spite of recording the violation of the interim order, the learned Single Judge did not indicate anything in the final order about the consequence of the violation of the interim order and has merely directed the 1st respondent to proceed further for determination of the compensation and for payment of the same to the petitioner. In view of the same, the interim order cannot independently stand and it has merged with the final order.



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4.No useful purpose will be served in prosecuting this contempt petition at this length of time, more particularly, after final orders have been passed in the writ petition directing for the payment of compensation.

5.In the result, this contempt petition is closed.

01.07.2022

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
ssr

To

- 1.The Chairman
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Chennai 600 002.
- 2.The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation,
Thiruvallangadu.
- 3.The Superintending Engineer,
General Construction Circle,
Kamaraj Nagar Colony,
Udayapatty, Salem – 636 014.
- 4.The Superintending Engineer,
Kancheepuram Electricity Distribution Circle,
Anna Maaligai, Olimohamedpet,
Kanchipuram 631 502.



5. The Assistant Executive Engineer,
Transmission Lines Construction,
General Construction Circle,
Old Katpadi, Vellore – 632 007.
6. The Executive Engineer,
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N. ANAND VENKATESH, J.

SSr

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