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Cont.P.No.855 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Contempt Petition No.855 of 2022

M/s.Suzlon Energy Ltd.,
Rep. by its General Manager,
104, 1st Floor, Delta Wing,
Raheja Towers,
177, Anna Salai,
Chennai - 600002.

...Petitioner

Vs.

- 1.Mr.G.Shashank Sai, I.P.S.,
The Superintendent of Police,
Tiruppur District Police,
Tiruppur.
- 2.Mr.Dhanraj,
The Deputy Superintendent of Police,
Dharapuram Range,
Tiruppur District.
- 3.The District Collector,
Tiruppur District.
- 4.The Revenue Divisional Officer,
Dharapuram Division,
Tiruppur District.
- 5.S.Jayanthi
- 6.S.Bhuvaneswari



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7.S.Parimala Devi

8.Shanthi

9.T.Govindaraj

10.S.Venkidusamy

11.T.Kangeya Gounder

12.T.Palanisamy

13.A.Balasubramaniam

14.Subramaniam

15.Ganesamoorthy

16.Dhandapani

17.Eswari

18.Saraswathy

19.R.Kongu Raj

*(3rd and 4th respondents suo motu
impleaded as per order made in
Cont.P.No.855 of 2022 dated 11.10.2022)
(5th to 19th respondents impleaded as per
order made in Sup.Appl.No.682 of 2022
in Cont.P.No.855 of 2022 dated 15.11.2022)*

...Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for the deliberate and willful disobedience of the order dated 30.03.2021 passed by this Court in W.P.No.15896 of 2022.



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For Petitioner : Mr.M.Ajmal Khan, Sr. Advocate
for M/s.Ajmal Associates

For R1 to R4 : Mr.A.Selvendran,
Special Government Pleader

For R5 to R19 : Mr.M.Guruprasad

ORDER

This contempt petition has been filed for the alleged disobedience of the order of this Court dated 31.03.2021 passed in W.P.No.15896 of 2020.

2. When this contempt petition came up for hearing on 11.10.2022, this Court had passed the following order:

"It is submitted by Mr.M.Ajmal Khan, learned Senior Counsel appearing for the petitioner and Mr.A.Selvendran, learned Special Government Pleader appearing for the respondents that, it is not the mere allegation made against the respondent police people as if that they have not cooperated with the petitioner in complying with the orders of this Court because of the dictate has come from the Revenue Department that there has been no compensation, as directed by the Hon'ble Supreme Court, paid to the land holders /



agriculturists and no proof to that effect has been filed before the Revenue authority namely, the Revenue Divisional Officer concerned. The police protection given for some time has been withdrawn only at the last minute at the instance of the Revenue Department communication in this regard.

2. Therefore, in order to resolve this issue, as to whether any contempt has been committed by these respondents, the presence of the District Collector concerned, as well as the Revenue Divisional Officer concerned is very much essential for this contempt petition.

3. Accordingly, the District Collector, Tiruppur District and the Revenue Divisional Officer, Dharapuram Division, Tiruppur District are hereby suo motu impleaded as respondents in this contempt petition.

4. On behalf of the impleaded respondents, Mr.A.Selvendran, learned Special Government Pleader takes notice. He needs two weeks' time to file a comprehensive report from the Revenue people, based on which, further course of action in this regard will be decided in this contempt



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petition.

5. In the meanwhile, learned counsel appearing for the petitioner shall also file a report as to whom the compensation have been paid so far as directed by the Hon'ble Supreme Court i.e., 500% compensation to the land holders whose land has been acquired for the purpose of erecting poles to transmit the electricity to the TANGEDCO and if at all no compensation has been paid so far, for want of identification of the land holders, the overall compensation amount to the extent of 500% shall be calculated and be stated in the report by the learned counsel for the petitioner so that further action in this regard can be decided.

6. Post this matter on 28.10.2022.

7. The presence of Mr.Shashank Sai, Superintendent of Police, Tiruppur District and Mr.Dhanraj, Deputy Superintendent of Police, Dharapuram Range, Tiruppur District is noted and their future presence is hereby dispensed with.

3. Subsequently, this contempt petition came up for hearing on

<https://www.mhc.tn.gov.in/judis> 28.10.2022, where after hearing the learned counsel for the parties, this



Court passed the following order:

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"Pursuant to the order dated 11.10.2022, the learned Special Government Pleader appearing for the respondents has filed a status report where inter alia, the following has been stated by the District Collector, Tiruppur, i.e., the third respondent herein:

"8.In this regard, the District Collector, Tiruppur has ordered M/s.Suslon Energy Ltd vide proceedings Ref.No.10188/2020/F4 Dt: 22.01.2022 that M/s.Suslon Energy Ltd shall pay the Compensation amount determined by the District Collector as per the directions of the Hon'ble Supreme Court order to the petitioners through RTGS only. In this situation, M/s.Suslon Energy Ltd has sent the Demand Draft for Rs.29,80,355/- out of Compensation fixed (@ 500%) as Rs.1,66,54,860/- to Tmt.Jayanthi and 10 others individually and the details are described in the below tabulation.

.....

**For all the above land owners DD No. from 46001507 to 46001517, dated:11.02.2022 has been drawn in the Union Bank of India, Bodipatti Branch.*

9.In this situation, it is informed that Tmt.Jayanthi and 10 others has returned the Demand Draft to M/s.Suzlon Energy Ltd as they have insisted to pay the complete compensation amount fixed by the District Collector, Tiruppur instead of issuing the same by piecemeal. Meanwhile, M/s.Suzlon Energy Ltd had completed the erection of 7 towers



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and stringing work in Suriyanallur Village and also had completed the erection of 4 Towers in Kolumanguli Village, but the Stringing work in S.F.No's.7/3A and 9/2 are alone pending.”

2. Relying upon the averments made in the status report, the learned Special Government Pleader submits that, as per the Hon'ble Supreme Court order, the compensation was fixed at 500% which was worked at Rs.1,66,54,860/-, out of which, only for a sum of Rs.29,80,355/-, Demand Drafts were taken and sent by M/s.Suzlon Energy Ltd, i.e., the petitioner. When these Demand Drafts were given to 11 persons, they did not accept it and sent back the same by sending a letter stating that they do not want to get in a piecemeal basis and they want the entire compensation to be paid, accordingly, the District Administration has sent back the Demand Draft to the petitioner Company.

3. However, this is disputed by Mr.M.Ajmal Khan, learned Senior Counsel appearing for the petitioner Company by relying upon the letter written by some of the farmers, stating that, they are ready and willing to return back the Demand Draft at any time. Therefore, the Demand Draft has not been returned and it has not been so far encashed. Therefore, as of now, the Demand Draft



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has not reached the petitioner Company.

4. This aspect has to be verified by the respondents and a report has to be filed to that effect also. Insofar as the quantified amount of Rs.1,66,54,860/- is concerned, i.e., according to some of the farmers, who are not parties before this Court, represented by Mr.V.Lakshminarayanan, learned counsel, who filed an intervening petition in Sub.Appln.SR.No.117788 of 2022 in this Contempt Petition also, who states that, only 11 out of 15 farmers, the compensation seems to have been fixed by the District Collector. For the remaining 4 persons are concerned, no such fixation has been made. Therefore, in respect of the 15 persons, the intervening petition since has been filed including the 4 persons as whose loss has not been calculated and no compensation has been fixed for the 4 persons, therefore, the District Collector can be directed to fix compensation for the remaining 4 persons also and accordingly, revised figure of compensation shall be disclosed before this Court, he contended.

5. I have considered these submissions made by the respective learned counsel appearing for the



parties.

6. Insofar as the status report submitted by the District Collector that, out of Rs.1,66,54,860/-, though Demand Draft for a sum of Rs.29,80,355/- was taken and given, that has been returned back to the Company and these factors since has been disputed by the learned counsel appearing for the petitioner, it is to be verified and reported by the respondents.

7. Insofar as the claim made by the farmers, especially the remaining 4 farmers out of 15 that no compensation has been fixed by the District Collector is concerned, a direction is hereby given to the respondent District Collector, Tiruppur to verify the same and if no compensation is fixed for other 4 persons, whose lands also have been utilized by the petitioner Company and by which they also lost their land, compensation accordingly shall be fixed for the remaining 4 persons also and therefore, the revised figure of the compensation shall be intimated to the Court during the next hearing.

8. In the meanwhile, the petitioner shall



deposit a sum of Rs.1,66,54,860/- minus Rs.29,80,355/-, i.e., Rs.1,36,74,505/- at the District Collector's office, Tiruppur, i.e., the third respondent herein in any separate account, to be created in this regard by the District Collector for the purpose of receiving the same and for the distribution in future as compensation to the farmers, within a period of one week from the date of receipt of a copy of this order.

9. For the aforesaid compliance, post the matter on 15.11.2022."

4. Again, this case came up for further hearing on 15.11.2022 and on that day, the following orders were passed:

Pursuant to the order dated 28.10.2022, the respective parties represented by the learned counsel submitted that considerable part of the directions given by this Court on 28.10.2022 has been complied with by the parties concerned.

2. In this regard Mr.M.Ajmal Khan, learned Senior Counsel appearing for the petitioner company has submitted that as directed by this Court in paragraph 8 of the order dated



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28.10.2022, a sum of Rs.1,36,74,505/- has been deposited in the account created in this regard by the District Collector.

3. Insofar as the role of the District Collector to whom some directions have been given by this Court at paragraphs 7 and 8 of the order dated 28.10.2022 is concerned, a compliance affidavit has been filed by the District Collector, wherein inter alia he has stated the following:

“5. I submit that, the District Collector, Tiruppur vide proceedings Ref.No.10188/2020/F4 dated 22.01.2022 has ordered M/s. Suzlon Energy pvt ltd to pay the Compensation amount to the land owners which was determined by the District Collector as per the directions of the Hon'ble Supreme Court in Civil Appeal No.6961/2021(Arising out of SLP(Crl.) No.7609 of 2021) dated 18.11.2021. Subsequently M/s.Suzlon Energy Ltd., has sent the amount of Rs.29,80,335/- to Tmt.Jayanthi and 10 others by the way of Demand Draft dated 11.02.2022. It is learned that Upon receiving the Demand Drafts, the land owners have not encashed the Demand Draft and handed over them to their Advocate, considering that full amount of compensation has not been paid by M/s. Suzlon Energy Ltd. The Demand Drafts are valid only for three months from the date of issue and are now they are invalid, and the Demand Drafts has not been renewed by the Petitioner Company i.e., M/s. Suzlon Energy Ltd as per information available.



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6. I submit that, District Collector, Tiruppur has ordered M/s. Suzlon Energy Ltd., vide proceedings Roc.No.10188/2020/F4 dated 22.01.2022 to pay the compensation amount to the land owners concerned. In this regard, the four petitioners of Intervening petition are eligible for compensation as per G.O.No.86, Energy (A1) Department, dated 30.10.2019 as tabulated below:

Sl. No.	Name of Intervening Petitioner	Survey No.	Area		Compensation fixed by the District Collector	Eligible compensation to the petitioner	Tree Value	Total Compensation to Intervening Petitioners (col.6+7)
			Corridor Area (in Cent)	Tower Area (in Cent)				
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	Dhandapani	678/2	12	0	27,205	27,205	2,93,269	3,20,474
2	Eswari	670/2	12	0	46,431	46,431	23,500	69,931
3	Saraswathy	673/1	29	0	65,746	65,746	3,782	69,528
4	Konguraj	9/2	77	0	3,18,811	3,18,811	1,536	3,20,347
Total					4,58,193	4,58,193	3,22,087	7,80,280

(Rupees Seven lakh Eighty Thousand Two Hundred and Eighty only)

7. It is submitted that in the verdict of Hon'ble Supreme Court of India in Civil Appeal No.6961/2021(Arising out of SLP(Crl.)No.7609 of 2021) dated 18.11.2021, it directs to calculate compensation in 500 times only to the parties (Land owners) who were impleaded as the respondent in the above SLP. In this connection it is submitted that, the above four persons are not the parties in above SLP and they are not eligible for compensation of getting 500% as directed by the Hon'ble Supreme Court of India. Hence, the compensation amount of 500% has been calculated only to eleven land owners who are respondents in the SLP and regular compensation has been calculated and fixed to



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rest of the four land owners who are the petitioners in Intervening petition.

8. I submit that, as per Hon'ble Supreme Court directions in Civil Appeal No.6961/2021(Arising out of SLP(Crl.7609 of 2021) dated 18.11.2021, the disbursement of compensation is to be made by the petitioner company i.e., M/s.Suzlon Energy Ltd., directly to the land owners, however as per the direction of the Hon'ble High Court of Madras a separate bank account has been opened in the name of the District Collector Tiruppur (A/c No.110080866416) in the Canara Bank Collectorate branch operating in the District Collector's office. As per the the directions of Hon'ble High Court of Madras the petitioner company i.e., M/s. Suzlon Energy Ltd., have remitted a sum of Rs.1,36,74,505/-(Rupees one crore thirty six lakh seventy four thousand five hundred and five only) on 11.11.2022.”

4. Mr.V.Lakshminarayanan, learned counsel appearing for the land owners, who filed the impleading petition before this Court, has submitted that, the demand draft, which was not encashed for a sum of Rs.29,80,355/-, is with them and they are ready to hand it over to any authority as per the direction to be given by this Court. He would also submit that, since the Collector now has fixed the compensation for the remaining four land owners to an extent of Rs.7,80,280/- since they are entitled to get five times i.e., 500% as per the Hon'ble Supreme Court order, the total sum for



these four remaining agriculturalist by way of compensation would come as Rs.39,01,400/-.

5. Therefore, apart from the deposited amount i.e., Rs.1,36,74,505/-, the remaining amount i.e., the amount equivalent to the demand draft i.e., Rs.29,80,355/- + compensation for the remaining four agriculturalist with 500% enhancement i.e., Rs.39,01,400/- can be directed to be deposited and if those amount also deposited, it can be treated as full compensation as directed by the Hon'ble Supreme Court to be deposited by the petitioner company.

6. I have considered the rival submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

7. In the compliance affidavit filed by the District Collector, he has acknowledged the receipt of Rs.1,36,74,505/- in a separate account, which was opened by the District Collector in the Canara Bank, Collectorate Branch as per the direction of this Court.



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8. *The Collector has also fixed the compensation for the remaining four land owners as stated supra. The Collector has also stated that since the Demand draft for a sum of Rs.29,80,355/- paid by the petitioner has already been lapsed and it has not been encashed, the demand draft may be returned back to the petitioner company. In lieu of the same, if the petitioner company deposits that amount also in the account, it can be treated as full compensation on the part of the petitioner, the District Collector contended.*

9. *In view of the same, having taken note of these developments, this Court is inclined to pass the following further order in this contempt petition:*

- ◆ *That there shall be a direction to the petitioner to deposit a sum of Rs.29,80,355 + 39,01,400/- being the 500% / 5 times compensation in respect of four remaining land owners viz., 1. Dhandapani, 2. Eswari, 3. Saraswathy and 4. Konguraj i.e., totally Rs.68,81,755/- in the account No.110080866416 opened by the District Collector at Canara Bank, Collectorate Branch, Tiruppur within a period of two*



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weeks.

- ◆ *On such deposit being made by the petitioner company, a report to that effect shall be filed by the District Collector during the next hearing date.*
- ◆ *In the meanwhile, the demand draft for a sum of Rs.29,80355/-, which has already been lapsed and it is in the custody of the land owners shall be returned back to the District Collector after getting due acknowledgement from the Collector office. The District Collector on receipt of the same shall handover to the petitioner company. After verifying the compliance report to be filed in this regard by the petitioner company after complying the direction herein above, the further course of action in this contempt petition would be decided.*

For making such compliance and file a report as indicated above, post the matter on 29.11.2022."

5. In pursuance to the last order passed by this Court i.e. on 15.11.2022, the petitioner has filed a typed set of documents where the petitioner has stated that the petitioner Company, as directed by this



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Court, has paid the entire remaining due i.e. Rs.29,80,355/- + Rs.39,01,400/-, totally Rs.68,81,755/- in the specified account opened by the District Collector.

6. The learned Senior Counsel appearing for the petitioner would submit that, insofar as the direction issued by this Court on 15.11.2022 to get the lapsed demand drafts from the private respondents and produce the same to the petitioner, the Collector has handed over only 10 out of the 11 demand drafts and in respect of the one land owner, namely S.Jayanthi, the 5th respondent, the demand draft has not been handed over to the petitioner.

7. The learned Senior Counsel would also submit that, since the entire compensation amount, as determined by the District Collector and directed by this Court, has been deposited in the separate account created in this regard by the District Collector pursuant to the directions issued by this Court, the petitioner is entitled to get necessary protection from the revenue as well as police authorities to complete the drawl of line for transmitting the electricity being generated from the petitioner Company. Therefore, the learned Senior Counsel seeks indulgence of this Court to



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pass suitable orders to the official respondents to give such protection to the petitioner for completing its work.

8. On the other hand, the learned Special Government Pleader appearing for the official respondents would submit that, the District Collector has filed a status affidavit dated 29.11.2022, where inter alia, he has stated the following:

"3) I submit that the Hon'ble High Court of Madras has passed Interim Order in Cont.P.No.855/2022 in W.P.No.15896/2020 dated 15.11.2022 and given following directions to the District Collector, Tiruppur.

- *The Petitioner company i.e., M/s.Suzlon Energy Ltd has been directed to deposit a sum of Rs.29,80,355 + 39,01,400/- being the 5 times compensation in respect of four remaining land owners viz., 1. Dhandapani, 2. Eswari, 3. Saraswathy and 4. Konguraj i.e., totally Rs.68,81,755/- within a period of two weeks in Tiruppur, District Collector's Canara Bank Account. Accordingly, the sum of Rs.39,01,400/- has been deposited by The Petitioner company i.e., M/s.Suzlon Energy Ltd on 25.11.2022.*



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- *The Land owners were directed to submit the demand draft for a sum of Rs.29,80,355/- which has already been lapsed, to the District Collector, Tiruppur. Meanwhile, Mrs.V.Jeyanthi, who is one among the 11 land owners had submitted a petition to the District Collector, Tiruppur on 25.11.2022 and stated that "She had not received any Demand Draft from the Petitioner company i.e., M/s.Suzlon Energy Ltd for compensation, as she has sold the proposed land to Thiru.Konguraj S/o RamasamyGounder vide Doc.No.1636/2021 dated: 16.02.2021." In accordance with the direction, Out of 11 land owners, the Demand drafts have been submitted by 10 of the land owners except Mrs.V.Jeyanthi and due acknowledgment have been given to them for the same. The 10 Demand Drafts received have been handed over to the Petitioner company i.e., M/s.Suzlon Energy Ltd's Manager, Thiru.Gomathi Shankar on 25.11.2022.*
- *The details of the Demand Drafts received from the land owners are listed below.*



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SL.No	B.C.No	Demand Draft No & Date	Name	Amount (Rs./-)
1.	46001508	001508/ 11.02.2022	Tmt.Parimaladevi	3,10,530.00
2.	46001509	001509/ 11.02.2022	Tmt.Bhuvaneshwari	2,50,000.00
3.	46001510	001510/ 11.02.2022	Tmt.Shanthi	2,50,000.00
4.	46001511	001511/ 11.02.2022	Thiru.Palanisamy	3,59,295.00
5.	46001512	001512/ 11.02.2022	Thiru.Govindaraj	2,50,000.00
6.	46001513	001513/ 11.02.2022	Thiru.Kangeyaguonder	2,50,000.00
7.	46001514	001514/ 11.02.2022	Thiru.Venkidasamy	2,50,000.00
8.	46001515	001515/ 11.02.2022	Thiru.Balasubramaniam	2,50,000.00
9.	46001516	001516/ 11.02.2022	Thiru.Ganesamoorthy	2,50,000.00
10.	46001517	001517/ 11.02.2022	Thiru.Subramaniam	2,50,000.00
Total				26,69,825.00

*(Rupees Twenty-Six lakh sixty-nine thousand eight
Hundred and twenty-Five Only)*

9. Relying upon these averments in the status affidavit filed by the District Collector, the learned Special Government Pleader would submit that, 10 number of demand drafts received from various agriculturalists, who are the private respondents herein, were handed over in turn to the petitioner Company. Therefore, that part of the direction given by this Court has been complied with. Hence, accepting the same, suitable order



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may be passed by this Court in this contempt petition, he contended.

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10. On the other hand, the learned counsel appearing on behalf of the private respondents would submit that, 10 out of 11 respondents, who were in possession of the demand drafts earlier given by the petitioner Company, had returned the demand drafts to the District Collector and only since the 5th respondent claims that she did not receive the demand draft, the question of returning the demand draft does not arise. Therefore, a direction may be given by this Court to the District Collector to disburse the compensation to the private respondents at the earliest, he contended.

11. I have considered the said submissions made by the learned counsel for parties and have perused the materials placed before this Court.

12. Insofar as the compensation payable to the private respondents, as directed by the Hon'ble Supreme Court i.e. 500% or 5 times of the normal compensation, since has been calculated by the District Collector and accordingly, the entire amount has been deposited by the petitioner in



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the separate account created by the District Collector in pursuance to the directions given by this Court, the petitioner has fulfilled its obligation.

13. Therefore, there shall be direction to the official respondents i.e., the respondents 1 to 4, to give suitable protection from both revenue department as well as police department to the petitioner to complete the job of the petitioner for drawal of the transmitting line to transmit the electricity being generated by the petitioner Company forthwith. Such a protection shall be given to the petitioner by the official respondents as long as the petitioner wants it.

14. The 3rd respondent-District Collector is directed to call these private respondents i.e. the owners of the land and disburse the compensation to these respondents, which is deposited by the petitioner Company as determined by the District Collector, within a period of one month from the date of receipt of a copy of this order.

15. Insofar as the 5th respondent, namely S.Jayanthi is concerned, since she claims that she did not receive any demand draft from the petitioner, the said statement shall be obtained from her by way of an



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indemnity bond stating that she has not received the demand draft and she had never or will never encash the compensation. After ensuring that such an undertaking is received from the 5th respondent, the compensation payable to her shall also be calculated and paid to her.

16. Insofar as 16th respondent, namely Dhandapani, is concerned, it was contended by the learned counsel for the private respondents that there is a discrepancy in the extent of the land utilized by the petitioner belonging to the 16th respondent. However, according to him, the compensation has been calculated by the District Collector only for a lesser extent, whereas a larger extent has been utilized for the purpose of drawal of electric line.

17. In respect of the same, liberty is granted to the 16th respondent, namely Dhandapani, to agitate the said issue in the manner known to law.

18. It is clarified that insofar as the demand draft pertaining to the 5th respondent S.Jayanthi is concerned, it is open to the petitioner to claim the said amount equivalent to the demand draft before the Union Bank,



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Bodipatti Branch, by getting an indemnity bond from the 5th respondent as well as a communication to that effect from the 3rd respondent-District Collector.

19. Since the order of this Court made originally in the writ petition is being complied with and a direction to that effect has also been issued in the contempt petition to the official respondents to give necessary police protection to the petitioner, this Court feels that no further orders are required to be passed in this contempt petition.

20. Accordingly, this contempt petition is closed.

29.11.2022

Index:Yes/No

Internet:Yes/No

Speaking order/Non-speaking order

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To

1.Mr.G.Shashank Sai, I.P.S.,
The Superintendent of Police,
Tiruppur District Police,
Tiruppur.

2.Mr.Dhanraj,
The Deputy Superintendent of Police,

<https://www.mhc.tn.gov.in/judis>



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Dharapuram Range,
Tiruppur District.

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3.The District Collector,
Tiruppur District.

4.The Revenue Divisional Officer,
Dharapuram Division,
Tiruppur District.



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R. SURESH KUMAR, J.

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