



CONT.P.No.850 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 19.01.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

CONT.P.No.850 of 2017

and

Sub Application (OS) No.142 of 2017

K.Alagiriswamy (Deceased)

Mrs.Asha Alagiriswami Naidu

Rep. by her Power Agent

Mrs.Kamala Alagiriswami.

... Petitioner

[Substituted vide order in Sub Application No.189 of
2021 in Contempt Petition No.850 of 2017 dated 22.10.2021]

Vs.

1.Mr.K.Manivannan

2.Mr.Balamanikandan

3.The Chennai Metropolitan Development Authority,

Rep. by its The Member Secretary

Gandhi Irwin Road,

Egmore, Chennai-8

... Respondents

[Impleaded as per the order of the Court dated 22.10.2021 made in Sub
Application No.219 of 2020 in Contempt Petition No.850 of 2017]

Prayer: Contempt Petition filed under Section 11 of the Contempt of

Courts Act, 1971 to punish the respondents herein for their willful,



deliberate and contumacious conduct for having willfully and deliberately disobeyed the orders of this Court made in W.P.No.25223 of 2015 dated 23.08.2016.

For Petitioner : Mr.P.Arividainambi

For Respondents : Mr.J.Ravindran
(1 & 2) Additional Advocate General
Assisted by
Mr.S.Madhusudhanan
[For TANGEDCO]

For Respondent 3 : No Appearance

ORDER

The contempt petition is filed to punish the respondents for their willful disobedience of the orders passed by this Court in W.P.No.25223 of 2015 dated 23.08.2016.

2. This Court passed final orders in the writ petition on 23.08.2016 as follows:

“3. The only contention of the learned counsel for the petitioner is that no tower is erected in Plot Nos.193, 194 & 195 but the High Tension Power Line is passing over and above Plot No.193 and therefore, relying upon Annexure XXI



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namely Regulation for the grant of TDR attached to Second Master Plan for Chennai Metropolitan Area, 2026, seeks a direction to the Chennai Metropolitan Development Authority to grant Transfer of Development Rights for the damage/damages or compensation which may be granted in favour of the owner of the property.

*4. So far, the *Petitioner's daughter, Ms.Asha Alagiriswami has not applied for TDR and therefore, there is no necessity for this Court to give a direction as prayed for in the main writ petition as most of the relief claimed by the petitioner have already been given by the Electricity Board. Therefore, the *petitioner's daughter, Ms.Asha Alagiriswami is directed to give a representation to the sixth respondent claiming TDR. On receipt of such representation, the sixth respondent shall decide the matter and pass orders, on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of representation from the petitioner.*



5. *With the above direction, this writ petition is*

disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.”

3. The original writ petitioner, Shri.K.Alagiriswami died. Subsequently, his daughter was impleaded, who in turn represented the contempt petition.

4. The learned counsel for the petitioner contended that several steps have been taken to ensure that the grievances of the petitioner are redressed and even deviation are also proposed by the land owner for consideration. Under these circumstances, the Electricity Board has to take initiative for redressal of the grievances of the petitioner and to resolve the same in order to comply with the orders.

5. Mr.J.Ravindran, learned Additional Advocate General appearing on behalf of the Electricity Board contended that the board is always attempting to resolve the issues vide documents in such cases were the grievances are put forth by the land owners. Feasibility is also to be considered and further, it is contended that there is no such direction issued by this Court against the Tamil Nadu Electricity Board.

Pursuant to the directions issued by this Court, the petitioner has not



submitted any representation to the 6th respondent so far. However, the petitioner is approaching the authorities for redressal of her grievances.

6. Further, this Court has not issued any directions to the Tamil Nadu Electricity Board. Under these circumstances, no proceedings can be sustained against the Electricity Board authorities. As far as the 6th respondent / Chennai Metropolitan Development Authority is concerned, the petitioner has not submitted any representation. If at all any such representation is made the same has to be considered.

7. At the out set, the respondents cannot be punished for non-compliance of the orders passed by this Court in W.P.No.25223 of 2015 dated 23.08.2016. Further, some progress has been made in order to redress the grievances of the petitioner. In this regard, the petitioner is at liberty to submit representation to the authorities for redressal of her grievances. However, such a liberty granted by this Court in the present Contempt Petition would not confer any right on the petitioner to file contempt petition against such authorities. In the event of filing any such representation, the same may be considered on merits.



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8. With these observations, the Contempt Petition stands closed.

Consequently, connected Sub Application is also closed. No costs.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

jeni/kan

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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GS/18/02/2022

To

The Member Secretary
The Chennai Metropolitan Development Authority,
Gandhi Irwin Road,
Egmore, Chennai-8