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Contempt Petition.No.1565 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Contempt Petition No.1565 of 2023

S.Krishnaveni

... Petitioner

Vs.

1.M.Amsavalli

Inspector of Police,
Attaiyampatti Police Station,
Salem District.

2.The Superintending Engineer of

TANGEDCO Operation,
Udayapatty, Salem.

3.The Tahsildar,
Salem South

(Suo Motu impleaded as 2nd & 3rd Respondents
as per the Order of this court in Cont.P.1565 of
2023 dated 28.08.2023)

... Respondents

PRAYER : Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971, to punish the respondent for contempt of Court for willful disobedience and non-compliance of the order of this Court in CrI.O.P.No.9489 of 2022 dated 27.04.2022.



Contempt Petition.No.1565 of 2023

For Petitioner : Mr.A.Rajakumar
For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

This contempt petition has been filed seeking to punish the respondent for contempt of Court for willful disobedience and non-compliance of the order of this Court in Crl.O.P.No.9489 of 2022 dated 27.04.2022.

2. It is the case of the petitioner that she is the absolute owner of the property in Survey No.22/1A2 situated at Periyaseeragapadi Village, Salem District. The petitioner had obtained bank loan for the purpose of starting a small handloom in the said property and she has also applied for electricity connection before the Executive Engineer, Tamil Nadu Electricity Board, Salem District and the petitioner has also deposited the necessary charges during the month of December 2021. When the officials had inspected the property for providing Electricity Service Connection, the neighbours/respondents 3 and 4 in Crl.O.P.No.9489 of 2022, have not



permitted them to provide the same and threatened them. Thereafter, the Assistant Engineer, Tamil Nadu Electricity Board, Salem, had lodged a complaint before the first respondent on 16.04.2022 and since no action had been taken on the said complaint, the petitioner had filed CrI.O.P.No.9489 of 2022 seeking direction to the second respondent, viz.,Inspector of Police, Attaiyampatti Police Station, Salem District, to conduct enquiry and provide adequate police protection to the petitioner. After hearing the learned counsel on either side, this Court, by an order dated 27.04.2022, directed the first respondent herein to conduct enquiry and afford police protection to the Electricity Board officials for providing electricity connection to the petitioner's premises.

3. As per direction of this Court dated 27.04.2022, though EB officials have initiated steps to provide service connection to the petitioner's premises, respondents 3 and 4 in CrI.O.P.No.9489 of 2023 along with 27 men including Suresh, Gopi, Karthick and 15 women, totally about 42 persons created a ruckus and obstructed them from discharging their duty. Therefore, a Peace Committee Meeting was convened by the Tahsildhar and



subsequently, on a complaint given by one Panneerselvam, Village Administrative Officer, Periyaseeragapadi Village, Salem South Circle, a case in Crime No.271 of 2023 has been registered against them on 24.08.2023. Since the order passed by this Court in CrI.O.P.No.9489 of 2023 has not been complied with, a Contempt Petition No.1565 of 2023 has been filed.

4. When the contempt petition has been taken up for hearing on 28.08.2023, this Court, suo motu, impleaded (i) the Superintending Engineer of TANGEDCO Operation, Udayapatty, Salem, (ii) the Tahsildhar, Salem South, as respondents 2 and 3 and the named accused in Crime No.271 of 2023 and had directed the Registry to issue notice to the newly impleaded respondents.

5.Today, when the contempt petition is taken up for hearing, the first respondent has filed a detailed Status Report contending that the Tahsildhar, Salem South, had conducted a Peace Committee Meeting with the petitioners, counter petitioners and the EB officials and during the Peace



Committee it was agreed upon to provide LT connection to the petitioner's factory and on 13.09.2023, the EB officials had provided electricity connection through LT line to the petitioner's factory by fixing a new transformer. It is also stated that the act of the first respondent is neither willful nor deliberate and he has also tendered unconditional apology for the delay in complying with the order of this Court.

6. The learned Government Advocate (Criminal Side) has also submitted that only due to law and order problem there was a delay in complying with the order of this Court and the act of the first respondent is neither willful nor wanton and now the order has been complied with and the contempt petition may be closed.

7. Heard the learned counsel on either side and perused the Status Report filed by the first respondent and other materials available on record.

8. From the above facts, it is clear that as per decision taken in the Peace Committee Meeting EB officials had provided electricity



connection through LT line to the petitioner's factory by fixing a new transformer on 13.09.2023. The learned Government Advocate (Criminal Side) has also submitted that only due to law and order problem there was a delay in complying with the order of this Court and the act of the first respondent is neither willful nor wanton and now the order has been complied with. The first respondent has also tendered unconditional apology for the delay in complying with the order of this Court.

9. Accordingly, the Status Report filed by the first respondent is taken on file. Taking into consideration that the electricity service connection has been provided to the petitioner's factory and the order passed by this Court has been complied with, this Court does not find any willful disobedience of the order passed by this Court and the above contempt petition stands closed.

19.09.2023

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To
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- 1.The Inspector of Police,
Attaiyampatti Police Station,
Salem District.
- 2.The Superintending Engineer of
TANGEDCO Operation,
Udayapatty, Salem.
- 3.The Tahsildar,
Salem South.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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