



WEB COPY



Contempt Petition No. 1013 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

Contempt Petition No. 1013 of 2021

K.Mani

... Petitioner

-VS-

1. Mr. B.Ashok Kumar,
Union of India,
Ministry of Environment and Forests,
New Delhi.

2. Mr. A.Nagarajan,
Superintending Engineer,
Tamil Nadu Electricity Board,
Thiruvannamalai,
Thiruvannamalai District.

3. Mr. Senthil Kumar,
Junior Engineer,
Tamil Nadu Electricity Board,
Nallavanpalayam,
Thiruvannamalai.
(R4 and R5 are deleted vide order dated 25.03.2022)

... Respondents

Prayer:- Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the Respondents for the willful disobedience of the order passed by this Court made in W.P. No. 19443 of 2011 dated 07.03.2019.



WEB COPY



Contempt Petition No. 1013 of 2021

For Petitioner : Mr. T.Dharani

For Respondents : Mr. V.Chandrasekaran (for R1)

Ms. S.Daniel Mary (for R2 & R3)

ORDER

Heard Mr. T.Dharani, Learned Counsel for the Petitioner, Mr. V.Chandrasekaran, Learned Counsel for the First Respondent and Ms. S.Daniel Mary, Learned Counsel for the Second and Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. This Contempt Petition is prosecuted for failure of the Respondents to comply with the order dated 07.03.2019 in W.P. No. 19443 of 2011 in which this Court had passed the following order:-

“7. Considering the request made by the petitioner and the fact that the application seeking electricity service connection was made way back on 14.05.2010 to the Electricity Board and also considering the pendency of litigation before this Court for about seven years and still the issue of providing electricity service



WEB COPY

connection has not been resolved, in the fitness of things, this

Court is of the considered view that a suitable direction be issued to the Tamil Nadu Electricity Board/the second and third respondents herein.

8. *In view of the above, the second and third respondents are directed to approach the first respondent/Ministry of Environment and Forests in regard to consideration of the application submitted by the petitioner to the Board on 14.05.2010 for the purpose of providing electricity service connection to the subject property, since the Board alone is the competent authority to approach the first respondent/Ministry of Environment and Forests, as individual consumer cannot approach the Ministry directly in view of the provisions of the Forest Act and Rules. The second and third respondents are directed to forward the application filed by the petitioner and obtain necessary orders from the first respondent/Ministry of Environment and Forests. The second and third respondent are directed to address appropriate letters to the first respondent/Ministry of Environment and Forests within a period of three weeks from the*



WEB COPY

date of receipt of copy of this order. On any such request made by the second and third respondent, the first respondent/Ministry of Environment and Forests is directed to take a decision in regard to the request made by the Electricity Board on the subject matter within a period of four weeks thereafter. Any decision taken in the matter shall be communicated to the petitioner forthwith.

3. This Court during the earlier hearing on 16.11.2023 had passed the following order:-

“2. It is represented that the Second Respondent by Letter No. SE/TEDC/ Dev/T'Malai/F.Court Case/D.No.Comp/ 2023 dated 14.11.2023 has despatched the requisite letter with enclosures to the First Respondent by registered post and that proof in that regard would be filed in the Registry during the course of the day. A copy of the said letter with enclosures has been received by Learned Standing Counsel appearing for the First Respondent from Learned Standing Counsel appearing for the Second Respondent in Court under written acknowledgment.

3. *The First Respondent shall file report of the action taken on*



WEB COPY

receipt of the said letter from the Second Respondent before the next hearing.”

4. When the matter is taken up for hearing today, Learned Counsel for the First Respondent has produced Minutes of the Meeting on the discussion of the Forest Clearance dated 30.11.2023 submitted by the Ministry of Environment, Forests and Climate Change, which reads as follows:-

“ The AIGF briefed that, Shri. Venkataswamy Babu, SPC, GOI informed that the Contempt Petition No. 1013 of 2021, came up for hearing before the Hon'ble Court on 16.11.2023, which has directed the Second and Third Respondents (TANGEDCO) to send the proposal for domestic service connection by Registered Post to the First Respondent (Ministry of Environment and Forest) on or before 17.11.2023. The Hon'ble Court further directed the First Respondent (Ministry of Environment and Forest) to process such proposal and submit a Report before the Hon'ble Madras High Court on or before 18.12.2023. The matter stands posted on 18.12.2023.

Accordingly, the Superintending Engineer, TANGEDCO,



Contempt Petition No. 1013 of 2021

WEB COPY

Thiruvannamalai has submitted a request by Lr. No. SE/TEDC/Dev/T'Malai/F.Court Case/D.No.CAMP/2023 dated 14.11.2023 before the MoEFCC, New Delhi for granting approval under FCA, 1980 for laying of Transmission Line (LT Single Phase 2 wire line) to provide domestic electric connection to the Petitioner in the Contempt Petition Sri. K.Mani S/o. Krishna Gounder, Melsirupakkam, Kollakottai Village.

The DDGF, Regional Office, Chennai asked about the current status of the proposal. Shri. Yogesh Singh, PCCF and Nodal Officer, Tamil Nadu informed that the proposal is pending with the User Agency due to some discrepancies in the proposal and requirement of some essential documents.

During the discussions, the DDGF explained that as per the Comprehensive Guideline issued vide No. F. No. 5-2/2017-FC dated 28.03.2019, by MoEF&CC, “4.2 proposals for Under Ground cables can be considered under the General Approval Category in which the State Govt. is competent to grant approval for such kind of proposals.

The DDGF, RO, Chennai also expressed that the



WEB COPY

Superintending Engineer, TANGEDCO may consider planning the transmission line completely Under Ground to avoid tree felling in case feasible. It is noted by the S.E., TANGEDCO for exploring the possibility.

Shri. Palaniraj, Superintending Engineer, TANGEDCO informed that the certificate to the effect that no land other than the forest area is available for executing this project was obtained from the District Collector and they are ready to submit the proposal through online PARIVESH 2.0.

The DDGF requested the District Forest Officer to provide necessary assistance to the TANGEDCO to submit and process the proposal in PARIVESH 2.0 and ensure that the proposal is processed in time and submitted to Nodal Officer for further processing keeping in view of the next date of hearing by Hon'ble Court.

The User Agency represented by the Superintending Engineer agreed that he will send an officer from TANGEDCO side to the O/o District Forest Officer and submit the proposal complete in all respect will be forwarded to the State Govt. through Nodal Officer for getting approval before next hearing of



Contempt Petition No. 1013 of 2021

the contempt case i.e. 18.12.2023.

WEB COPY

The PCCF and Nodal Officer, Tamil Nadu assured that the proposal once received from the DFO/CF will be forwarded to State Govt. in time.”

In view of the aforesaid action taken, nothing remains for further consideration in the Contempt Petition, but if the Petitioner still has any grievance to be redressed in the matter, he is not precluded from working out his rights before the proper forum in the manner recognized by law.

In fine, the Contempt Petition is closed with the aforesaid observations.

No costs.

19.12.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 05.02.2024.

vjt



Contempt Petition No. 1013 of 2021

To

WEB COPY

1. The Secretary to Government of India,
Environment and Forests Department,
New Delhi.
2. The Superintending Engineer,
Tamil Nadu Electricity Board,
Thiruvannamalai,
Thiruvannamalai District.
3. The Junior Engineer,
Tamil Nadu Electricity Board,
Nallavanpalayam,
Thiruvannamalai.



WEB COPY



Contempt Petition No. 1013 of 2021

P.D. AUDIKESAVALU, J.

vjt

Contempt Petition No. 1013 of 2021

19.12.2023