

**IN THE HIGH COURT OF JUDICATURE AT MADRAS****DATED: 13.04.2023****CORAM:****THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH****Cont.P.No.1375 of 2019**

S.Chenthil, Son of B.Sankaranarayanapillai
No.9/102 B, Melatheru,
Marungoor and Post,
Agastheeswaram TK,
KK District - Pin:629 402.

....Petitioner/Petitioner

Vs.

1.Harminder Singh, Secretary,
Municipal Administration and Water
Supply (T.P.) Dept,
Government of Tamil Nadu,
Fort St. George, Chennai 600 009.

2.S.Palaniswamy,
The Director of Town Panchayats,
Kuralagam Building, Chennai 600 108.

3.C.Kannan,
The Assistant Director of Town Panchayats,
Nagercoil Region,
Kanniyakumar District 629 001.

.... Respondents/Respondents 1 to 3



Contempt Petition filed under section 11 of the Contempt of Courts Act, to punish respondents 1 to 3 for their wilful disobedience of the order of this Court made in W.P.No.13736 of 2017 dated 05.06.2017.

For Petitioner : Mr.P.Ebenezer Paul

For Respondents : Mrs.S.Mythreye Chandru (for R1 to R3)
Special Government Pleader

ORDER

Pursuant to the above orders passed in the writ petition, much water has flown under the bridge. A subsequent order came to be passed in WA No.288 and 598 of 2020. The relevant portions in the order are extracted hereunder :-

8.We, therefore, agree with the conclusion drawn by the learned Division Bench in its judgment dated 26.03.2018 and we, accordingly, modify the impugned judgment dated 05.06.2017 as well as the order on the Review Application dated 24.09.2019 and direct that the appellants shall consider the claim of the respondent petitioner in the light of the



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Government orders on which reliance has been placed by the said respondent and in accordance with law and also keeping in view the requirement and the purpose of the post for the Town Panchayats, which itself is a public cause and pass an appropriate order in accordance with law.

9.Learned State Government Pleader states that the appellants may be granted at least three months time to take a decision and intimate the respondent accordingly. We accept the said prayer and direct that the appellants shall take a decision after applying their mind to the relevant factors and and inform the respondent of the outcome of the same within three months.

2. Pursuant to the above order, GO Ms.No.139 dated 03.10.2022 has been issued by the Government and the relevant portions is extracted hereunder :-



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11. The Government after careful examination of the proposal of the Commissioner of Town Panchayats, hereby orders as follows:

- i. To permit the Commissioner of Town Panchayats to accord permission to the Executive Officers of Town Panchayats to engage Private Service Provider / Contractor / Agency to operate and maintain the Street Light System, Water Supply System, Underground Sewerage System and Solid Waste Management activities on contract basis for a period of three years following the Tamil Nadu Tender Transparency Act, 1998 and Rule, 2000.*
- ii. To engage Private Service Provider/ Contractor / Agency to operate and maintain the Street Light System, Water Supply System Underground Sewerage System and Solid Waste Management activities on contract basis based on the Key performance index.*
- iii. To permit to follow the lowest rate among the Schedule of Rates of Public Works Department or*



Tamil Nadu Water Supply and Drainage Board or District Collector to prepare estimate and to ascertain the cost need to incur towards Private Service Provider/Contractor/Agency on contract basis for operation and maintenance of Street Light System, Water Supply System, Underground Sewerage System and Solid Waste Management activities in Town Panchayats.

iv. To Permit to incur the said expenditure from Revenue Fund of Town Panchayats.

3. In the light of the above development, this Contempt petition is closed.

13.04.2023

Internet : Yes/No
Index : Yes/No
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N.ANAND VENKATESH.,J



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