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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2023

CORAM:

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Contempt Petition No.2370 of 2022

1 M. Nachimuthu

2 K. Venkatachalam

Petitioners

v

Thiru. S. Karmegam, I.A.S.
District Collector
Salem District
Salem

Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, seeking to punish the respondent for wilful disobedience of the order dated 29.04.2022 passed in W.P. No.11462 of 2022.

For petitioner

Mr. Kandhan Duraisami

For respondent

Mr. A. Selvendran
Special Government Pleader

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**ORDER**

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This contempt petition has been preferred seeking to punish the respondent for the alleged noncompliance of the order dated 29.04.2022 passed in W.P. No.11462 of 2022.

2 In pursuance of our order dated 29.03.2023, a detailed report dated 26.04.2023 has been filed by Mr. S. Arun Prasad, learned Advocate Commissioner, pointing out the debris in various places under the bridge, apart from deposits of garbage here and there.

3 To be noted, in W.P. No.11462 of 2022, though the petitioner has sought the relief of removal of encroachment in Thirumanimutharu River and clearing of obstructions in the natural elevation of the water course at S.No.97 of Kandhampatti Village, by considering his representation dated 05.01.2022, this Court, while disposing of the said writ petition *vide* order dated 29.04.2022, alleging noncompliance of which, this contempt petition has been filed, has given direction only in respect of first limb of the prayer, *viz.*, removal of encroachment, and has not granted any relief *qua* second limb of the prayer, *viz.*, clearing of obstructions.



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Be that as it may, concededly, no human being has encroached the water course. However, it is limpid from the photographs that the water course has been completely blocked due to debris and garbage. But, this needs to be dealt with in a separate proceedings and not in the instant contempt proceedings. While accepting the report of the Advocate Commissioner, we give liberty to the petitioner to approach the Court *qua* the second relief, *viz.*, clearing the obstructions in the natural elevation of the water course at S.No.97 of Kandhampatti Village, Salem West Taluk, Salem District and such other relief, as may be required. We make it clear that the District Collector shall ensure as to whether any residents or general public are dumping garbage in the said place, and if so, to take appropriate action against them.

5 As adverted to above, Mr. S. Arun Prasad, learned Advocate Commissioner, has done a great job by pointing out the debris found and also the deposit of garbage and waste in the river by the general public. In appreciation of his efforts, this Court directs that he be paid an additional remuneration of Rs.15,000/- by the petitioner.



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S. VAIDYANATHAN, J.

and

T.V. THAMILSELVI, J.

cad

With the above observations and direction, this contempt petition stands closed.

(S.V.N., J.) (T.V.T.S., J.)
27.04.2023

cad

Contempt Petition No.2370 of 2022