



Cont.P.(MD) No.1431 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

CONT.P.(MD)No.1431 of 2022

R.Dinesh

... Petitioner / Writ Petitioner

-Vs-

- 1.Mrs.Poonkodi, M.Tech.,
The Assistant Engineer,
Public Works Department,
Water Resources Organization,
Vennaru Basin Division-I, Thanjavur.
- 2.Mr.R.Raja
The Commissioner,
Ammapettai Town Panchayat,
Thanjavur District.
- 3.M/s.Sobha Ramesh,
Chairman, Ammapettai Town Panchayat,
Thanjavur District.
- 4.Mr.Ramesh,
Vice Chairman,

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Ammapettai Town Panchayat,
Thanjavur District.

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...Contemnors /
Respondent Nos.6 to 9

PRAYER : Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the contemnors / respondents 6 to 9 for willful disobedience of the order passed by this Court in W.P.(MD)No.10458 of 2022, dated 25.05.2022.

For Petitioner : Mr.AN.Ramanathan
For Respondents : Mr.Veera.Kathiravan,
Additional Advocate General,
assisted by Mr.A.K.Manikkam,
Special Government Pleader

ORDER

[Order of the Court was made by R.SURESHKUMAR, J.]

Alleging non-compliance of the order passed by this Court in W.P.(MD)No.10458 of 2022, dated 25.05.2022, this Contempt Petition is filed.

2.In the said order insofar as S.F.No.270 at Neduvasal Village, Papanasam Taluk, Thanjavur District is concerned, the proposed electric cremation ground to be established by the respondent Town Panchayat was

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directed not to be proceeded by maintaining *status-quo* as on the date of the order until further orders.

3.The said order, according to the petitioner, has been violated by the respondent Town Panchayat by putting up a construction. That is why, this Contempt Petition has been moved.

4.Heard the learned counsel for the petitioner and the learned Additional Advocate General for the respondents.

5.The learned Additional Advocate General for the respondents, by relying upon various documents filed in the typed set of papers filed by the 2nd respondent and also by relying upon the counter affidavit filed in the main Writ Petition as well as the affidavit filed in this Contempt Petition by the 2nd respondent, would contend that insofar as the interim order of *status-quo*, which was directed to be maintained, is concerned, *status-quo* means construction of the proposed electric crematorium in the disputed land, which according to the



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petitioner is water body or water channel and in pursuance of the said order in order to strictly comply with the same, the Town Panchayat ie., the 2nd respondent has stopped the proposed construction of electric crematorium in the disputed site and that *status-quo*, which was prevailing as on 25.05.2022, has been still maintained even till date.

6.Whereas, the learned counsel for the petitioner submitted that they might have maintained *status-quo* with regard to the proposed construction of electric crematorium, but have proceeded to complete the construction of public toilet in the same locality or same survey number. Therefore, that can also be treated as violation of the order of this Court.

7.However, we are not impressed with the view taken by the learned counsel for the petitioner, because the very Writ Petition moved by the petitioner herein was only to prevent the proposal of the respondents for construction of electric crematorium and in that context we have granted interim order and that has been maintained by the respondent Town Panchayat, where no construction

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of electric crematorium as proposed originally by them since has been made, we feel that the order of this Court dated 25.05.2022 has not been violated willfully by the respondent Town Panchayat.

8.In view of the same, this Contempt Petition is liable to be closed, accordingly, it is closed. However, we make it clear that closing of this Contempt Petition will not preclude the petitioner to agitate the issue comprehensively in the main Writ Petition, where since counter affidavit is filed, early hearing can also be requested for.

[R.S.K., J.] & [R.V., J.]
01.06.2023
($\frac{1}{2}$)

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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R.SURESH KUMAR, J.

AND

R.VIJAYAKUMAR, J.

MYR

To

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The Assistant Engineer,
Public Works Department,
Water Resources Organization,
Vennaru Basin Division-I, Thanjavur.
- 2.Mr.R.Raja
The Commissioner,
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