



Cont.P(MD)No.1940 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cont.P(MD)No.1940 of 2022

in

W.P(MD)No.4841 of 2022

M.Maragatham

... Petitioner /
Petitioner

Vs.

1.Francis Maharajan,
Assistant Director (Panchayats),
Tenkasi,
Tenkasi District.

2.Sivasankari,
President,
Kalappakulam Panchayat,
Kalappakulam,
Sankarankovil Panchayat Union,
Tenkasi District.

... Contemnors /
2nd & 4th Respondents

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents herein for the willful disobedience of the order passed by this Court in W.P(MD)No.4841 of 2022 dated 18.03.2022.



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For Petitioner : Mr.R.J.Karthick
For Respondents : Mr.Veera Kathiravan
Additional Advocate General
Assisted by
Mr.M.Lingadurai
Special Government Pleader for R.1

ORDER

Heard the learned counsel on either side.

2.The grievance of the petitioner is that the order passed by this Court in W.P(MD)No.4841 of 2022 has been totally breached. The petitioner is the vice-president of Kalappakulam Village Panchayat. She filed the said writ petition for implementing the proceedings of the jurisdictional Block Development Officer for shifting the office of the Panchayat building. Paragraph Nos. 5,6,7 of the order dated 18.03.2022 in W.P(MD)No.4841 of 2021 read as follows:

“5.The learned Special Government Pleader, appearing for the respondents, on instructions would submit that the new place to which the Panchayat Office



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is likely to be shifted at Kalappakulam Village, requires renovation and repair work and it may take a minimum of six months for completing the same. He would also submit that proposal has also been sent to the Government for doing the renovation/repair work there. The said statement is recorded.

6.After giving due consideration to the submissions made by the respective counsels, this Court is of the view that no prejudice will be caused to the respondents, if the proceedings of the third respondent, dated 22.02.2022, is implemented, within a time frame to be fixed by this Court.

7.Accordingly, this Court directs the respondents 2 and 4 to implement the proceedings of the third respondent, dated 22.02.2022, passed in Na.Ka.No.A3/917/2020, after completion of the renovation/repair work, preferably, within a period of eight months from the date of receipt of a copy of this order.”

From a careful reading of the aforesaid order, I am clearly of the view that the petitioner's request for shifting was accepted during writ proceedings. However, the respondents now want to resile from the said



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stand. The learned Special Government Pleader now states that the building to which shifting was proposed is old and dilapidated and it would be a waste of public revenue to spend money thereon. It is therefore proposed to construct a new office building for housing the Panchayat Office. The learned Special Government Pleader would further state that sanction has also been accorded.

3. Now the question that arises for consideration is whether the consent order earlier passed by this Court can be allowed to be flouted. In order to strike a balance, I direct the respondents to shift the Panchayat building to the originally proposed place as contemplated in the proceedings of the third respondent dated 22.02.2022 as expeditiously as possible and without much delay. The respondents can parallelly commence construction of the new office building and once the new office building is ready for inauguration, the Panchayat office can be permanently housed in the newly constructed building.



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4.This contempt petition is disposed of with the aforesaid direction.

20.01.2023

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

To

The Assistant Director (Panchayats),
Tenkasi,
Tenkasi District.



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G.R.SWAMINATHAN, J.

MGA

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