



Cont.P.(MD)No.1327 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

Cont.P.(MD)No.1327 of 2024
in W.P.(MD)No.21341 of 2023

Poolan

... Petitioner

versus

V.Chandran,
The Divisional Engineer,
Highways Department
(Construction and Maintenance)
Ramanathapuram,
Ramanathapuram District.

... Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act, seeking to punish the Contemnor/Respondent No.3 for his willful disobedience of the order dated 31.08.2023 made in W.P.(MD)No.21341 of 2023.

For Petitioner : Mr.C.Senthil Murugan

For Respondent : Mr.A.Baskaran,
Additional Government Pleader

ORDER

This Contempt Petition is filed that the earlier order of this Court dated 31.08.2023 passed in W.P.(MD)No.21341 of 2023 has not been



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complied with.

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2. The grievance of the petitioner is that despite the direction of this Court, the respondent has not restored the water channel, which was in existence.

3. The learned Additional Government Pleader submits that pursuant to the direction of this Court, the water channel was restored, but, it was destroyed by the adjacent land owner and after the filing of this contempt petition also, the Department has restored the water channel. According to him, the petitioner is having a dispute with the adjacent land owner and therefore, the adjacent land owner has damaged the water channel which was already restored by the Department. Now, according to him, the water channel has been restored with police protection and necessary arrangements have also been provided to the adjacent land owner not to destroy the water channel any further. He has also produced photographs before this Court.

4. The petitioner is a farmer. He has approached this Court that he was cultivating his land with the water channel which was in existence. The water channel was destroyed by the respondent at the time of laying a road. It is the responsibility of the respondent to ensure that the water channel is



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restored to its original position and the petitioner is in a position to cultivate his land. In the event, if anybody has destroyed the water channel, then, it is the responsibility of the respondent to lodge a complaint as against the persons, who have destroyed the water channel. Mere the formation of the water channel is not sufficient. The respondent shall ensure that there is a free flow of water in the channel which was in existence. The petitioner must also be permitted to cultivate his land.

5. Recording the submission of the learned Additional Government Pleader, this Contempt Petition is closed.

30.08.2024

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

To

V.Chandran,
The Divisional Engineer,
Highways Department
(Construction and Maintenance)
Ramanathapuram,
Ramanathapuram District.



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B.PUGALENDHI, J.

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