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Sub Appl. No.505 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

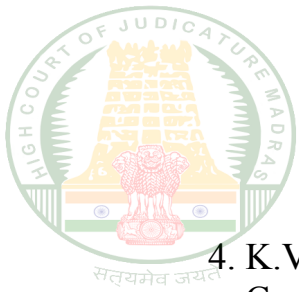
Sub Application No.505 of 2025
in Contempt Petition No.556 of 2024

Kumbakonam Mutual Benefit Fund Nidhi Limited,
Rep. by its Managing Director,
K.M.B.F. Nidhi Limited,
Central Office,
No.23 & 24, Dr. Besant Road,
Kumbakonam 612 001.

... Petitioner

Versus

1. Elephant G. Rajendran
Advocate,
Plot No.4, Door No.10/301,
Anjaneyar Koil Street,
Vengaivasal, Chennai 600 126.
2. Shiv Das Meena, IAS.,
The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Chennai 9.
3. P.Amudha, I.A.S.,
The Home Secretary,
Government of Tamil Nadu,
Secretariat, Chennai 9.



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4. K.V.Muralidharan IAS.,
Commissioner, HR & CE,
Nungambakkam High Road, Chennai 34.

5. Rajesh Lakhoni, IAS.,
Chairman,
Tamilnadu Electricity Board,
Anna Salai, Chennai 2.

6. Deepak Jacob, IAS.,
District Collector,
Thanjavur District.

7. R.Lakshmanan,
Commissioner,
Kumbakonam Municipality,
Kumbakonam 612 001.

8. Smt. Poornima,
Sub-Collector/RDO
Kumbakonam 612 001.

9. Senthilkumar,
Superintending Engineer,
High Ways Department, Thanjavur.

10. B.E. Muthumani,
Superintendent/ Executive Engineer,
Public Work Department,
Kumbakonam 612 001.

10. Thiruvankadam,
The Divisional Engineer,
Tamil Nadu Electricity Board,
Kumbakonam 612 001.

... Respondents



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PRAYER: Petition filed under Sections 151 of the Code of Civil Procedure, to direct the seventh respondent herein to repair the damaged portion of the concrete cover put up at Dr.Besant Road at Ullur Vaikal, Kumbakonam.

For Petitioner : Mr.C.Jagadish

For Respondents : Mr.Elephant G. Rajendran,
Party in person, for R1

Mr.M.Suresh Kumar,
Additional Advocate General
Asst. by Mr.P.Srinivasan, Standing Counsel
for RR2 & 7

Mr.A. Selvendran,
Special Government Pleader,
for RR 3, 5, 6, 8 to 10

Mr.K.Karthikeyan, HR & CE, for R4

Mr.L.Jai Venkatesh, Standing Counsel
for R11



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ORDER

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(Order of the Court was delivered by R.SUBRAMANIAN, J.)

By our order dated 20.02.2025, we had directed the Kumbakonam Municipal Corporation, to preserve the concrete cover made on Ullur Vaikal for a distance of about 40 meters on either side of Dr.Besant Road, since a Report by the Chief Engineer of the Water Resources Department of the Government of Tamil Nadu, demonstrated that free flow of water in the canal will not be disturbed by the concrete cover that has been put up under the “Namakku Naame Thittam” spending public money.

2. Even though we had directed removal of the concrete cover earlier, we had recalled the order since it was brought to our notice that nearly a Crore has been spent on this. Out of the said sum of Rupees one Crore, 51% has been contributed by the applicant in Sub Application No.505 of 2025, the remaining 49% has been contributed by the Municipality. Since Public funds have been spent and it was evident from the report of the Chief Engineer of the Water Resources Department that this concrete covering will not disturb the free flow of water, we had directed the Municipality to



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maintain the concrete covering by providing manholes at every 10 meters distance as suggested by the Chief Engineer, Water Resources Department, in his report filed before us.

3. It is now brought to our notice by sub applicant that the damages made by the Kumbakonam Municipal Corporation, while attempting to remove the concrete cover, pursuant to our earlier orders have not been repaired.

4. Mr. Elephant G.Rajendran, the petitioner in the main Contempt Petition would submit that there are some irregularities in the very construction of the concrete cover. We do not think we can go into those questions in the contempt proceedings.

5. Mr.P.Srinivasan, learned counsel appearing for the Kumbakonam Municipal Corporation would submit that the damages caused by the Corporation while attempting to remove the concrete cover will be rectified and it will be restored. The Corporation will also provide manholes at the distance of every 10 meters on either side of the Dr.Besant Road.



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6. In view of the statement made by the learned counsel for the Kumbakonam Municipal Corporation, there will be a direction to the Kumbakonam Municipal Corporation to restore the concrete cover to its original position and provide manholes at every 10 meters on both sides of Besant Road to facilitate cleaning of the canal and to ensure free flow of water.

7. The Sub Application is disposed of on the above terms. It is made clear that no permanent or temporary structure shall be erected over the concrete cover by any of the parties.

(R.SUBRAMANIAN, J.) (ABDUL QUDDHOSE, J.)
24.04.2025

jv

Index: Yes/No

Speaking order/Non Speaking order

Neutral Citation: Yes/No

To

1. The Chief Secretary,

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Government of Tamil Nadu,
Secretariat, Chennai 9.

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2. The Home Secretary,
Government of Tamil Nadu,
Secretariat, Chennai 9.
3. The Commissioner, (HR & CE)
Hindu Religios & Charitable Endowment,
Nungambakkam High Road, Chennai 34.
4. The Chairman,
Tamilnadu Electricity Board,
Anna Salai, Chennai 2.
5. The District Collector,
Thanjavur District.
6. The Commissioner,
Kumbakonam Municipality,
Kumbakonam 612 001.
7. The Sub-Collector/RDO
Kumbakonam 612 001.
8. The Superintending Engineer,
High Ways Department, Thanjavur.
9. The Superintendent/ Asst. Executive Engineer,
Public Work Department,
Kumbakonam 612 001.
10. The Divisional Engineer,
Tamilnadu Electricity Board,
Kumbakonam 612 001.



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