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CONT.P.(MD)NO.1191 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.09.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CONT.P.(MD)No.1191 of 2025 IN
W.P.(MD)No.16001 of 2024

K.M.Gopinath

... Petitioner / Petitioner

Vs.

1. Er.V.Niraimathy,B.E.,
Executive Engineer,
Public Works Department(W.R.O.),
Gundar Basin Division, Tallakulam,
Madurai – 2.
2. The Superintending Engineer,
Public Works Department(W.R.O.),
Vaippar Basin Circle,
Virudhunagar.
3. The Chief Engineer,
Public Works Department(W.R.O.),
Madurai Region, Madurai.
4. The Engineer in Chief and
Chief Engineer General,
Public Works Department (W.R.O.),
Chepauk, Chennai.
5. The Secretary,
Public Works Department(W.R.O.),
Tamil Nadu Secretariat, Chennai.
(R-2 to R-5 are *suo motu* impleaded
vide order dated 13.06.2025).

... Contemnors



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Prayer: Contempt petition filed under Section 11 of the Contempt of Courts Act, 1971, to issue a notice of Contempt to the Contemnors/respondents and punish them for committing contempt and gross disobedience of the order passed by this Hon'ble Court in W.P.(MD) No. 16001 of 2024 dated 02.12.2024.

For Petitioner : Mr. N. Karthik Kanna

For Respondents : Mr. M. Gangatharan,
Government Advocate.

* * *

ORDER

Heard both sides.

2. This Court vide order dated 02.12.2024 in W.P.(MD) No.16001 of 2024 had directed the Executive Engineer, Public Works Department (W.R.O), Gundar Basin Division, Tallakulam, Madurai-2, to issue No Objection Certificate in favour of the writ petitioner for use of lands. Paragraph No. 8 of the said order reads as follows:-

“8. The first respondent is directed to issue No Objection Certificate in favour of the petitioner for use of lands in between the northern side of the petitioners land in Survey Nos.14/1C1, 14/1C2 and 14/2C1 and the Chennampatti (Left) Kalvaai in Survey Nos.14/1B, 14/2B at Iluppakulam village, Kallikkudi Tauk, Madurai District within a period of



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two weeks from the date of receipt of a copy of this order.”

3. The petitioner filed this contempt petition alleging that the order has not been complied with.

4. When the matter was taken up for hearing, the learned Government Advocate produced a copy of the communication dated 14.07.2025. It is seen therefrom that the first respondent herein had already issued NOC in favour of the writ petitioner.

5. I am satisfied that the order passed by this Court has been complied with. The learned counsel for the petitioner on the other hand expressed his grievance that non-employment of the expression “approach road” in the NOC has frustrated his entire purpose. In that event, the petitioner has only two options. He can make a request to the Registry to list the matter under the caption “For being mentioned” and call upon the learned Judge who passed the order to clarify his order. In the alternative, he can file a fresh writ petition seeking a direction to the respondents to employ the expression “ approach road(அணுகு சாலை) ” instead of path way (பாதை).



6. It is well settled that in a contempt petition, the contemnor can be hauled up only if there is a willful breach of the direction given by this Court. The contempt proceedings are quasi criminal in nature. This Court directed the respondent to issue NOC. They had issued NOC. Therefore by no stretch of imagination, the respondents can be held to be guilty of contempt. With the aforesaid liberty to the writ petitioner, this contempt petition is closed.

22.09.2025

NCS : Yes / No
Index : Yes / No
Internet : Yes/ No

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To:

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Madurai – 2.
2. The Superintending Engineer,
Public Works Department(W.R.O.),
Vaippar Basin Circle,
Virudhunagar.
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G.R.SWAMINATHAN,J.

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