



Cont.P(MD)No.2250 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cont.P(MD)No.2250 of 2024

in

W.P(MD)No.13889 of 2024

Edwin Joseph

... Petitioner /
Petitioner

Vs.

- 1.M.N.Poongodi I.A.S.,
District Collector,
Office of the District Collector,
Dindigul,
Dindigul District.
- 2.Selva Sekar,
Assistant Director,
Mines and Geology Department,
District Collector Office Campus,
Dindigul District.
- 3.Sivaram,
Revenue Divisional Officer,
Revenue Divisional Office,
Kodaikanal,
Dindigul District.



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4.Karthikeyan,
Tahsildar,
Kodaikanal Taluk Office,
Kodaikanal,
Dindigul District.

... Contemnors /
Respondents 1 to 4

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, to initiate contempt proceedings under Section 11 of the Contempt of Courts Act, 1971 against the Contemnors / respondents 1 to 4 herein for their willful disobedience to implement the order passed by this Court in W.P.(MD)No.13889 of 2024 order dated 27.06.2024 and punish the Contemnors / respondents 1 to 4.

For Petitioner : Mr.Henri Tiphagne

For Respondents : Mr.C.Venkatesh Kumar
Special Government Pleader

ORDER

The petitioner is a permanent resident of Vattakanal Road in Kodaikanal. An illegal blasting operation was carried out by the private respondents in W.P(MD)No.13889 of 2024. As a result, the petitioner's house suffered structural damage. Hence, the petitioner filed W.P(MD)No.13889 of 2024. The Writ Petition was disposed of by me on 27.06.2024 in the following terms:



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“3.In these circumstances, it is the statutory duty of the official respondent to do the following:

(a) To forthwith stop any further quarrying in the vicinity of the petitioner's residence. It is because Rule 36 of the Tamil Nadu Minor Mineral Concession Rules, 1959 prohibits quarrying operation within 300 meters of any habitation.

(b) Register an FIR for this cause of action.

(c) Conduct detailed enquiry and investigation and levy appropriate penalty on the persons who had done illicit mining.

(d)Assess the damage caused to the petitioner's residence and compensate the petitioner appropriately from out of the collected fine amount.”

Pursuant to the direction given, action was taken against the private respondents in the Writ Petition. The Revenue Divisional Officer levied fine of Rs.1,00,000/- (Rupees One Lakh only) on them and it was also duly remitted. The purpose of directing the authorities to levy penalty was to ensure that out of the levied amount, the petitioner herein can be compensated.



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2.The respondents have offered only a sum of Rs.9,700/-

(Rupees Nine Thousand and Seven Hundred only) towards damages.

According to the petitioner, he would be required to incur not less than Rs.1,25,200/- (Rupees One Lakh Twenty Five Thousand and Two Hundred only) for carrying out the necessary repairs. Copy of the estimate given by a registered contractor, namely, Aadhavan Associates has also been filed before the Court.

3.I posed a specific question to the learned Special Government Pleader as to whether the Government had suffered any damage as a result of the illegal blasting activities. No definite answer is forthcoming. It is not possible for this Court to carry out precise valuation of the damage suffered by the petitioner. In such cases, either I can relegate the petitioner to go before the civil Court or make a rough estimate and award compensation.

4.The learned counsel for the petitioner states that the petitioner is a senior citizen aged about 72 years and it would cause enormous hardship if he is called upon to move the civil Court.



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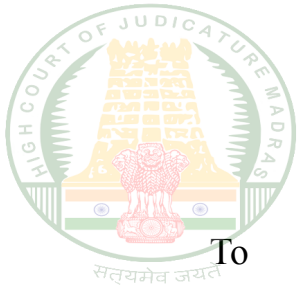
5.I had a look at the photographs enclosed in the typed set papers. I will be justified in taking into account the estimate submitted by the Aadhavan Associates in favour of the petitioner. Taking in to account the overall facts and circumstances, I direct the District Collector, Dindigul to pay a sum of Rs.70,000/- (Rupees Seventy Thousand only) to the petitioner. The Government is not going to suffer any loss because of this direction. They are only going to compensate the petitioner from out of the penalty already remitted by the private respondents in the writ petition. Though the Government is not a party before this Court, I make it clear that the direction given will bind the Government also. This amount shall be paid by the District Collector, Dindigul within a period of four weeks from the date of a receipt of a copy of this order.

6.This Contempt Petition stands closed.

07.07.2025

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

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To

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Office of the District Collector,
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Dindigul District.
- 2.The Assistant Director,
Mines and Geology Department,
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- 3.The Revenue Divisional Officer,
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G.R.SWAMINATHAN, J.

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