

(2011) 07 MAD CK 0305

In the Madras High Court

Case No : Contempt Petition No. 921 of 2009

Gowrappan and Others

APPELLANT

Vs

Santhosh Babu District Collector, Elavarasan The Special
Tahsildar Adi Dravidar and Tribal Welfare Department,
Jayanthimala Block Development Officer and A. Deivani
President

RESPONDENT

Date of Decision : 11-07-2011

Acts Referred:

Citation : (2011) 07 MAD CK 0305

Hon'ble Judges : K. Chandru, J

Bench : Single Bench

Advocate : V. Raghavachari, for the Appellant; R. Ravichandran, AGP, for the Respondent

Final Decision : Dismissed

Judgement

K. Chandru, J.—This contempt came to be filed for the alleged disobedience of the order passed by this Court in W.P. No. 15790 of 1996, dated 17.7.2003. By the impugned judgment, this Court had allowed the writ petition and set aside the G.O.(3D) No. 385, dated 10.6.1994 issued u/s 4(1) notification and G.O.(3D) No. 888, dated 9.11.1994 issued u/s 6 declaration and Award Proceedings No. 4/94-95, dated 31.3.1995. This was on the ground that the Award came to be made after the judgment of the Supreme Court in State of Tamil Nadu v. Ananthi Ammal reported in 1995 (2) L.W. 819. Though an appeal was filed by the Respondent State in W.A. No. 1306 of 2006, the same was dismissed by judgment, dated 16.10.2006. But, it is not clear as to why the Petitioners never filed any contempt petition even after the disposal by the division bench.

2. It must also be noted that both the learned Judge as well as the division bench had disposed of the matter without benefit of the counter affidavit by the Respondents. It is now stated by the Respondent in the counter affidavit that the Government had proposed to initiate a fresh land acquisition proceedings under

the Tamil Nadu Act 31/78. It was also stated that in the earlier order, they had only quashed the acquisition proceedings and that there is no bar for proceeding with fresh acquisition. Further, in paragraph 13 of the counter affidavit, it was averred as follows:

13. ...Possession of the acquired land was taken over long ago by the Government. The land owners have also received the compensation amount. The 3rd and 4th Respondents have constructed free houses for poor houseless Adi Dravidars under SGRY Scheme. Further basic amenities like provision of Road, Street Lights, Drinking Water etc to the beneficiaries have been provided. Demolition of constructed group houses will cause heavy loss to Government and the beneficiaries. There is no alternative land available for the provision of free house sites to the beneficiaries. Eviction of beneficiaries from the constructed houses will also cause great hardship to the beneficiaries as well as to Government. Further if the beneficiaries are evicted the welfare scheme of the Government will be defeated....

3. In support of the said stand, the Respondents have also produced a copy of the stamped receipt passed on the Petitioner for having received the compensation even on 30.3.1995 by cheques in the name of the State Bank of India. Therefore, the Petitioners' contention that the earlier order was not obeyed cannot be accepted.

4. In order to find out whether the Petitioners had revealed the fact of their having received the compensation, this Court directed the original records in the writ petition to be circulated. Accordingly, the Registry had circulated the original bundle in W.P. No. 15790 of 1996. It was found that there was no counter affidavit filed by the Respondents. In the affidavit filed by one S.A. Musthafa on behalf of the Petitioners (6th Respondent in the contempt), the fact that they have received compensation was also not referred to. Thus, the Petitioners have not come to this Court with clean hands. If only they had mentioned before this Court the fact of receiving the compensation and passing on the stamped receipt, the court would have taken a different stand.

5. In any event, this Court is satisfied with the explanation offered by the Respondents and therefore not willing to proceed with the contempt. Hence the contempt petition will stand dismissed. No costs.