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Contempt Appeal No.23 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 30 / 01 / 2026

PRONOUNCED ON : 23 / 02 / 2026

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN
and
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

Contempt Appeal No.23 of 2023

Narmadha,
Special District Revenue Officer (Land Acquisition),
National Highways Project,
Bangalore to Chennai Expressway,
Kanchipuram, Kanchipuram District. ... Appellant

Vs.

1.R.Rajendran

S/o.Ramasamy, No.50/194, Thirumangaiyazhwar Street,
Sriperumbudur Town & Taluk, Kanchipuram District.

2.Thiru.P.Ponniah,

District Collector, Kanchipuram District.

3.Tmt.Meena,

Special Tahsildar (LA), National Highways Project,
Bangalore to Chennai Expressway, Kanchipuram,
Kanchipuram District.

4.Shri.Pawan Kumar,

Project Director, National Highway Authorities of India,
No.DP,34, Sri Towers South Phase, 3rd Floor,
Guindy, Chennai - 600 032.

5.Tmt.Pichaiammal

Block development Officer (B.P),
Sriperumbudur, Kanchipuram District. ... Respondents

(R2 deleted as per order dated 25.01.2023 made
in Sub.Appl.No.733 of 2022 in Cont.P.No.642 of 2020)

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Prayer : This Contempt Appeal is filed under Section 19 of the Contempt of Courts Act, 1971 to set aside the impugned order dated 04.08.2023 made in Contempt Petition No.642 of 2020.

For Appellant : Mr.M.Ramamoorthi
Senior Advocate
For M/s.P.Suresh Prabhu

For Respondents : No appearance for R1
R2 to R5 dismissed
vide order dated 27.06.2025

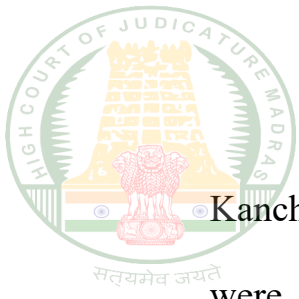
JUDGMENT

P.VELMURUGAN, J.

This Contempt Appeal has been filed under Section 19 of the Contempt of Courts Act, 1971 challenging the order dated 04.08.2023 passed by the learned Single Judge in Cont.P.No.642 of 2020, whereby the appellant, who was the second respondent in the contempt petition, was held guilty of wilful disobedience of the order passed by this Court in W.M.P.No.3683 of 2020 in W.P.No.3177 of 2020 dated 10.02.2020.

2. The respondent herein, namely R.Rajendran, had filed W.P.No.3177 of 2020 before this Court. The said writ petition arose out of land acquisition proceedings initiated for formation of Bangalore–Chennai Expressway by the National Highways Authority of India. For the purpose of the said National Highways Scheme, lands situated in Sriperumbudur Taluk of

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Kanchipuram District, particularly in Nemili-A and Ayakolathur villages,

were sought to be acquired pursuant to notification issued by the Union Ministry of Road Transport and Highways on 05.12.2017. In the course of acquisition proceedings, awards were passed and compensation amounts were being disbursed to land owners.

3. The writ petitioner claimed that he had purchased plots in various layouts formed in the said villages. According to him, in the approved layout plans developed by the promoters, certain portions of land had been earmarked for public purposes such as roads, streets, school, park and other public utilities and were designated as Open Space Reservation lands. It was his specific case that such OSR lands had been handed over to the local body concerned by way of gift deeds and therefore the said lands had already vested with the local body and ceased to be private lands of any individual.

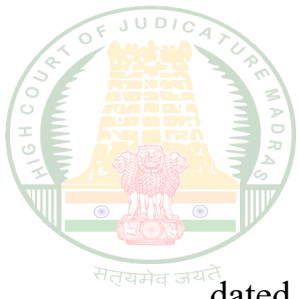
4. The grievance of the writ petitioner was that during the land acquisition proceedings for the National Highways project, certain individuals managed to get the lands which were originally earmarked as



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OSR lands registered in their names as if they were private lands and on that basis claimed compensation from the land acquisition authorities. According to the writ petitioner, huge sums of compensation had already been disbursed or were in the process of being disbursed to such individuals in respect of lands which were originally earmarked as OSR lands and which had already vested with the local body. It was further contended that if at all compensation was payable in respect of such lands, the same ought to be distributed proportionately to the plot owners in the layout and not to private individuals who had subsequently obtained registration.

5. In these circumstances, the writ petitioner submitted a representation to the authorities requesting them not to disburse compensation to private individuals in respect of the lands in question and to consider his claim. As there was no response and apprehending imminent disbursement of compensation, he filed W.P.No.3177 of 2020 before this Court seeking appropriate directions.



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6. When the writ petition came up for admission, this Court, by order

dated 10.02.2020 made in W.M.P.No.3683 of 2020 in W.P.No.3177 of 2020, passed an interim direction to the effect that the respondents therein shall determine the compensation payable in respect of the lands in question and deposit the same in an interest-bearing fixed deposit in a nationalised bank in the name of the Registrar General of this Court, pending further orders. The purpose of the said interim order was to ensure that the compensation amount was safeguarded and not disbursed to any private party until the dispute raised in the writ petition was resolved.

7. According to the writ petitioner, the interim order dated 10.02.2020 was duly communicated to the respondents in the writ petition including the present appellant, who was then serving as Special District Revenue Officer (Land Acquisition), National Highways Project, Bangalore to Chennai Expressway, Kanchipuram District and who was the competent authority dealing with disbursement of compensation. It was alleged that despite receipt of the said order and despite the clear direction of this Court to deposit the compensation amount in the manner indicated therein, the authorities failed to comply with the same.

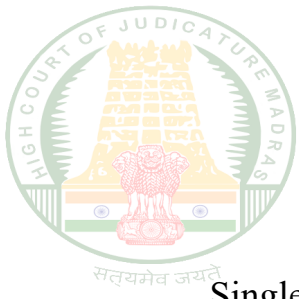
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8. The writ petitioner alleged that the appellant and other officials, with full knowledge of the subsisting interim order of this Court, proceeded to disburse compensation amounts to certain private individuals during the period subsequent to the order dated 10.02.2020. According to him, such disbursement was made in clear violation of the interim direction issued by this Court and amounted to wilful disobedience.

9. On the above allegations, the writ petitioner filed Contempt Petition No.642 of 2020 under Section 11 of the Contempt of Courts Act, 1971 for punishing the respondents therein for wilful disobedience of the order passed in W.M.P.No.3683 of 2020 in W.P.No.3177 of 2020 dated 10.02.2020. In the contempt petition it was specifically contended that despite knowledge of the order of this Court and despite legal notice and communications, the respondents failed to deposit the compensation amount as directed and instead disbursed the same to private parties, thereby committing deliberate and wilful contempt of the order of this Court.



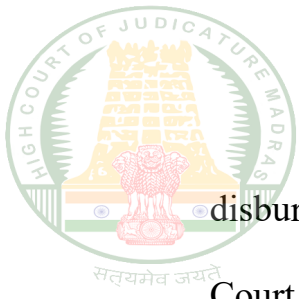
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10. The contempt petition came up for hearing before the learned

Single Judge and notices were issued to the respondents. The present appellant, who was arrayed as the second respondent in the contempt petition, entered appearance through counsel and filed her response. The appellant submitted that there was no intention to disobey the order of this Court and that the disbursement of compensation had been made on the basis of revenue records and documents available at the relevant time. It was further submitted that the interim order of this Court dated 10.02.2020 was understood to apply only to compensation payable for OSR lands. The amounts that were paid related to lands recorded as private lands in the official records. The appellant stated that the payment was made due to an inadvertent and bona fide misunderstanding of the interim order, and not with any wilful or intentional violation of this Court's order.

11. The learned Single Judge, after considering the materials placed on record and the explanations offered by the respondents, examined whether the interim order dated 10.02.2020 had been complied with and whether the subsequent disbursement of compensation amounted to wilful disobedience. Upon such consideration, the learned Single Judge found that

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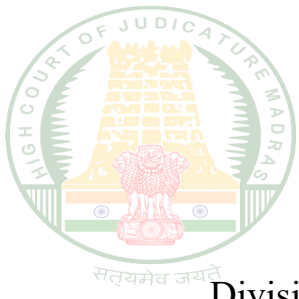


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disbursement of compensation had been made after the interim order of this

Court and after knowledge thereof. The learned Single Judge held that the direction issued by this Court was clear and that the authorities were bound to deposit the compensation amount instead of disbursing the same to private parties. The explanation offered by the present appellant was not accepted as sufficient to establish absence of wilful disobedience. By order dated 04.08.2023 passed in Cont.P.No.642 of 2020, the learned Single Judge held the appellant guilty of contempt of court and passed orders accordingly.

12. Aggrieved by the said order dated 04.08.2023 passed in Cont.P.No.642 of 2020, the present contempt appeal has been filed by the second respondent in the contempt petition, namely Tmt.Narmadha, Special District Revenue Officer (Land Acquisition), National Highways Project, Bangalore to Chennai Expressway, Kanchipuram District, challenging the correctness and legality of the order passed by the learned Single Judge holding her guilty of contempt.



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13. While entertaining the appeal, a stay was granted by a coordinate

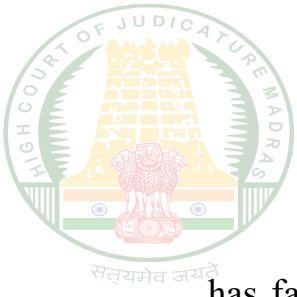
Division Bench of this Court on 08.01.2023. The contempt appeal was thereafter dismissed as against the second respondent/District Collector in view of the order dated 25.01.2023 made in Sub. Appln.No.733 of 2020 in Cont.P.No.642 of 2020, whereby the second respondent had been removed from the array of parties in the contempt petition. The contempt petition in Cont.P.No.642 of 2020 had already been dismissed insofar as respondents 3 to 5 / Special Tahsildar (LA), Project Director, Block Development Officer (B.P.) are concerned by the learned Single Judge. In view of the said developments, the contempt appeal, by order dated 27.06.2025, came to be dismissed as against respondents 2 to 5.

14.1. The learned counsel for the appellant would submit that the impugned order holding the appellant guilty of civil contempt and imposing a sentence of one month civil imprisonment is wholly unsustainable both on facts and in law and is liable to be set aside. It is submitted that the finding of wilful disobedience has been recorded without properly appreciating the factual and legal position placed before the learned Judge and without considering the materials on record in their proper perspective.

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WEB COPY 14.2. The learned counsel would submit that the appellant, while functioning as Special District Revenue Officer (Land Acquisition) in connection with the National Highways Project, had acted strictly in accordance with the notifications issued under the National Highways Act, 1956 and on the basis of the revenue records and encumbrance details obtained from the concerned Sub-Registrar's office. The acquisition proceedings were conducted after due publication of notification under Sections 3A and 3D of the Act and after conducting enquiry by issuing notice to all persons interested in the lands. Even during such enquiry proceedings, none of the persons including the writ petitioner had raised any objection that the lands in question were OSR lands or that they were not private lands. The notifications and declarations issued under the statute also reflected the lands only in the names of the registered land owners as per revenue records and did not refer to any approved layout or OSR classification. Therefore, the appellant had no occasion to assume that the lands were anything other than private lands covered by the acquisition notification.



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14.3. The learned counsel would further submit that the learned Judge

has failed to take into consideration that the layout approval referred to in the writ proceedings related to Perumbakkam Village and not to Nemili-A or Ayakolathur villages in respect of which the lands in question were acquired. The Directorate of Town and Country Planning records themselves would show that the lands covered by the acquisition notification were not shown as part of any approved layout and therefore could not have been treated as OSR lands. In spite of these materials being placed on record, the learned Judge has proceeded on an erroneous premise and has recorded findings contrary to the evidence available, thereby rendering the impugned order perverse.

14.4. The learned counsel would submit that the acquisition was carried out strictly in accordance with statutory procedure and compensation was determined and disbursed only to such persons interested as reflected in the revenue and registration records. The appellant had merely followed the notifications issued by the competent authorities and the records maintained by the Sub-Registrar and other officials of the National Highways Authority. Other officials connected with the acquisition and publication of

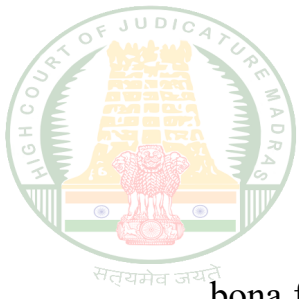
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notifications have not been proceeded against, and the appellant alone has been singled out and held guilty, which is wholly unjustified and contrary to the materials on record.

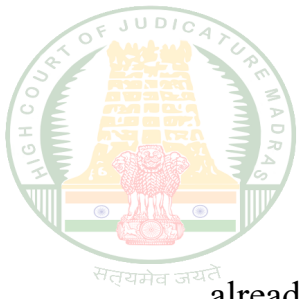
14.5. The learned counsel would further submit that under the scheme of the National Highways Act and the land acquisition process, the appellant could not have independently disbursed compensation without the approval and involvement of the District Collector, who had been arrayed as a respondent in the contempt proceedings. The District Collector, who was the primary authority, had been exonerated and his name was deleted from the array of parties after this Court accepted his explanation that he was only acting as an arbitrator and that stage had not arisen. The reasoning which weighed with this Court for exonerating the District Collector would equally apply to the appellant, who was acting only in her official capacity and in accordance with the statutory notifications and records. Once the primary authority has been exonerated, fastening liability solely on the appellant is wholly untenable.



14.6. The learned counsel would submit that the appellant had acted

bona fide and in discharge of official duties based on statutory notifications, revenue records and encumbrance certificates obtained from the competent authorities. The compensation was disbursed only to the persons shown as land owners and interested persons in the official records. The appellant had no personal interest in the matter and no motive to disobey the orders of this Hon'ble Court. The essential ingredient of wilfulness, which is mandatory to constitute civil contempt, is completely absent in the present case.

14.7. The learned counsel would also submit that the learned Judge has not taken into consideration that the investigation by the CBCID has not resulted in filing of any charge sheet and no material has been found to establish that the lands in question were OSR lands. The criminal investigation itself cannot be made the basis for holding the appellant guilty of civil contempt. The amounts disbursed have also been recovered, and therefore no prejudice has ultimately been caused. In such circumstances, the finding of wilful disobedience is wholly unwarranted.



14.8. The learned counsel would further submit that the appellant has

already undergone 19 days of civil imprisonment out of the one month sentence imposed. The appellant has suffered severe hardship, loss of reputation and mental agony on account of the incarceration. Even assuming without admitting that any lapse had occurred, the period already undergone may be treated as sufficient compliance of the punishment, particularly in view of the absence of wilful disobedience and the bona fide conduct of the appellant throughout.

14.9. The learned counsel would therefore submit that the impugned order has been passed without properly appreciating the factual matrix, the statutory scheme governing the acquisition, the role of the appellant, the materials on record and the absence of wilful disobedience. The findings recorded are contrary to evidence and are perverse, and the punishment imposed is grossly disproportionate and harsh. The learned counsel would accordingly pray that this Court may be pleased to allow the appeal, set aside the order holding the appellant guilty of civil contempt and the sentence imposed thereunder, and render justice in the facts and circumstances of the case.

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WEB COPY 15. Heard the learned counsel for the appellant. There was no representation on behalf of the respondent.

16. Before considering the submissions made by the learned counsel appearing on behalf of the appellant, it is necessary to first refer to the interim order passed by this Court on 10.02.2020 in W.M.P.No.3683 of 2020 in W.P.No.3177 of 2020, which is stated to have not been complied with by the appellant, thereby resulting in the initiation of contempt proceedings.

"Heard Mr.S.Sathish, Learned Counsel for the Petitioner, Mr.M.Elumalai, Learned Government Advocate for the First to Third and Fifth Respondents, Mr.Su.Srinivasan, Learned Counsel for the Fourth Respondent and Mr.M.Thamizharasan, Learned Additional Government Pleader for the Sixth and Seventh Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. Notice to the Eighth to Eighteenth Respondents returnable by 01.04.2020. Private notice is also permitted.

3. Since the dispute in the Writ Petition relates to ascertaining who would be actually entitled to receive the compensation for the OSR land which has been acquired, it shall be ensured by the First to Fifth Respondents that after determining the amount of compensation payable for that acquired land, the same is invested in an interest fetching Fixed Deposit in any Nationalised Bank in Chennai City in the name of the Registrar-General of this Court initially for a period of one year and renewable automatically from time to time, and the original receipt of the



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Fixed Deposit shall be handed over to the Registry of this Court under written acknowledgment, until further orders.

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Post the matter on 01.04.2020."

By the abovesaid order, this Court directed the respondents therein /Government to determine the compensation payable for the acquired lands and to deposit the same in an interest-bearing fixed deposit in a nationalised bank in the name of the Registrar General of this Court, until further orders. The direction was clear that the compensation amount should not be disbursed to any private individual and should instead be kept in deposit to safeguard the amount.

17. The directions contained in the interim order are clear and leave no scope for doubt. The authorities concerned were required to deposit the compensation amount in a fixed deposit in the name of the Registrar General of this Court and to hand over the original receipt to the Registry. The purpose of the order was to ensure that the compensation amount remained protected and safeguarded until the dispute regarding entitlement was finally decided by this Court.

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18. It is not in dispute that the appellant was the second respondent in the writ petition and was working as Special District Revenue Officer (Land Acquisition) at the relevant time. It is also not in dispute that the interim order dated 10.02.2020 was communicated to the appellant. In addition to the official communication of the order, the writ petitioner had also served a copy of the interim order on the concerned authorities, including the appellant, informing them about the direction of this Court. Further, the District Collector, by communication dated 17.02.2020, had also forwarded the order of this Court to the appellant for necessary action. Despite the order passed by this Court and its communication both by the writ petitioner as well as by the District Collector, the appellant proceeded to disburse the compensation amount to certain private individuals. Once again, the writ petitioner sent a further representation dated 24.05.2020 and also issued a legal notice dated 23.06.2020 requesting compliance with the order of this Court. In spite of these efforts taken by the writ petitioner and the proper communication made by the District Collector, the appellant failed to act in accordance with the order passed by this Court, which ultimately resulted in initiation of contempt proceedings. The above communications and



sequence of events clearly establish that the appellant had full knowledge of the interim order in force passed by this Court.

19. The main submission of the learned counsel for the appellant is that the disbursement was made on the basis of revenue records and that the interim order was understood to apply only to certain lands. Such a contention cannot be accepted. Once this Court passed an interim order and the same was in force, it was the duty of the appellant and the authorities to strictly comply with the order. If there was any doubt or difficulty in implementing the order, the proper course was to approach this Court by filing an appropriate application seeking clarification, modification or vacating of the interim order.

20. Admittedly, no such application was filed. The interim order remained in force and binding on the parties. Therefore, the authorities could not take a decision on their own as to how the order should be interpreted. It is relevant to note that the compensation disbursed is a very substantial amount, nearly Rs.20 Crores. Having regard to the magnitude of the amount



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involved, the submission made by the appellant cannot be accepted as tenable. When such a huge sum of public money is disbursed, the officer concerned is expected to exercise greater care and strictly comply with the orders of this Court. In the present case, despite having full knowledge of the pending interim order and despite repeated communications from the writ petitioner as well as the District Collector, the appellant proceeded to disburse compensation to certain allegedly ineligible persons.

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21. The submissions made by the appellant mainly relate to the merits of the dispute as to whether the lands were OSR lands or private lands. These issues relate to the writ petition and not to the contempt proceedings. In contempt proceedings, the only question to be considered is whether the order of this Court has been violated. The correctness of the order or the merits of the case cannot be examined in contempt jurisdiction.

22. In the present case, the fact remains that even after the interim order directing deposit of the compensation amount, the appellant proceeded to disburse the compensation to private individuals. This action was in clear

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violation of the order of this Court. The explanation that it was done due to misunderstanding or on the basis of records cannot be accepted as a valid reason.

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23. The learned Single Judge has considered all the materials and has come to the conclusion that the appellant had knowledge of the interim order and had still disbursed the amount. The learned Single Judge therefore held that the appellant had committed wilful disobedience of the order of this Court. On a careful reading of the impugned order and the records, we do not find any error or illegality in the finding of the learned Single Judge.

24. It was also submitted that the amount disbursed has now been recovered. Subsequent recovery will not erase the violation already committed. Once an order of this Court has been violated, the contempt is complete.

25. The learned counsel for the appellant requested that since the appellant has already undergone 19 days of civil imprisonment out of the one-month sentence imposed, the same may be treated as sufficient.



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However, considering the nature of the disobedience and the need to maintain respect for court orders, the sentence imposed by the learned Single Judge cannot be said to be excessive or unjust.

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26. We find that the learned Single Judge has rightly held that the appellant has committed wilful disobedience of the interim order dated 10.02.2020. There is no reason for this Court to interfere with the order passed by the learned Single Judge.

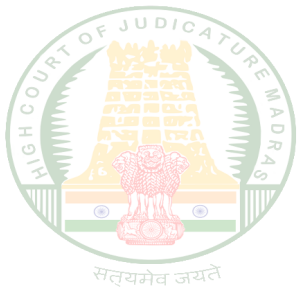
27. Accordingly, the Contempt Appeal is dismissed. Since the appellant has already undergone 19 days of civil imprisonment, she shall undergo the remaining period of imprisonment as ordered by the learned Single Judge in Contempt Petition No.642 of 2020, dated 04.08.2023.

[P.V.J.] [M.J.R.J.]
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Speaking Order
Neutral Citation case: Yes

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Judgment in
Contempt Appeal No.23 of 2023

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