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ER. K. ARUMUGAM

v.

V. BALAKRISHNAN & ORS.

Civil Appeal No. 1510 of 2019

B

FEBRUARY 06, 2019

**[R. BANUMATHI AND R. SUBHASH REDDY, JJ.]**

*Contempt of Court:*

C *Writ petition in respect of compensation amount for the land acquired by Tamil Nadu Water Supply and Drainage Board (TWAD Board) – High Court directed the Board to submit report to the District Collector to ensure fair and reasonable compensation to the writ petitioner – In compliance of order of High Court, District Collector passed order fixing the land value at the rate of Rs. 200/- per sq. ft. as on 1.4.2012 – When the compensation amount was paid to the*  
D *claimant, he received the same under protest – The claimant filed contempt petition against the appellant alleging disobedience of order of High Court – High Court issued some oral instructions, whereupon, District Collector enhanced the value of the land @*  
E *Rs. 500/- per sq. ft. – High Court thereafter fixed the value of the land @ Rs. 600/- per sq. ft. – Contempt appeal dismissed by Division Bench of High Court – On appeal, held: A party can be proceeded for disobedience of court order only when there is wilful disobedience and non-compliance of Court order – In the present*  
F *case, there was no disobedience or non-compliance of the Court order to entertain contempt petition – High Court fell in error in entertaining the contempt petition and also in issuing positive direction to the authorities to pay further compensation which is arbitrary and unsustainable – The enhancement of land value @*  
*Rs. 500/- per sq. ft. by District Collector, since passed under fear of contempt, the same is liable to be quashed.*

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**Allowing the appeal, the Court**

**HELD: 1. A party can be proceeded for disobedience of the order of the court only when there is willful disobedience and non-compliance of the order passed by the court. On perusal of the order passed in Writ Petition it is seen that in the said order,**

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court has only directed the authorities to ensure that fair and reasonable compensation is sanctioned to the first respondent and is paid at the earliest. The officers quickly acted in order to comply with the direction of the High Court. When the direction was only to consider the case of the first respondent for ensuring fair and reasonable compensation and having regard to the swift action taken by the appellant and other officials, there was no disobedience of the order of the court, much less wilful disobedience to invoke contempt jurisdiction. In the contempt jurisdiction, the court has to confine itself to the four corners of the order alleged to have been disobeyed. [Paras 12 and 17] [808-F-G; 810-H]

2. In compliance of the order of the High Court, the District Collector passed the order fixing the land value at the rate of Rs.200/- per sq. ft. as on 01.04.2012 (though the land came to be in occupation of the Board way back in 1991). The first respondent has not challenged the said compensation fixed at the rate of Rs.200/- sq. ft. as on 01.04.2012 in the manner known to law. In compliance of the order of the High Court, when the amount has been paid to the first respondent, there was no disobedience or non-compliance of the order of the court to entertain the contempt petition. [Para 13][809-B-C]

3. Without appreciating that the order of the High Court has been duly complied with, the Single Judge erred in entertaining the contempt petition. Apart from entertaining the contempt petition, the Single Judge further fell in error in issuing positive direction to the authorities to pay further compensation at the rate of Rs.600/- per sq. ft., which is arbitrary and unsustainable. It is public money and having implications on the public exchequer, the public money cannot be allowed to be taken away by an individual by filing contempt petition thereby arm-twisting the authorities. The order passed by the Single Judge affirmed by the Division Bench is *ex-facie* erroneous and liable to be set aside. [Paras 14 and 17][809-F-G; 812-B]

4. The proceeding of the District Collector dated 30.11.2016 fixing the land value at the rate of Rs.500/- per sq. ft. as on 30.11.2016 was passed under the fear of contempt of court, which is liable to be quashed. In any event, when the entry into

A the land was way back in 1990-91, the first respondent cannot claim that compensation be paid to him on the value of the land fixed in the year 2016 as of 30.11.2016. [Para 15][810-D]

*Sushila Raje Holkar v. Anil Kak (Retired)* (2008) 14 SCC 392 : [2008] 7 SCR 278; *Sudhir Vasudeva, Chairman and Managing Director, Oil and Natural Gas Corporation Limited and others v. M. George Ravishekar and others* (2014) 3 SCC 373 : [2014] 4 SCR 27 – relied on.

#### Case Law Reference

C	[2008] 7 SCR 278	relied on	Para 14
	[2014] 4 SCR 27	relied on	Para 17

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 1510 of 2019.

D From the Judgment and Order dated 23.08.2017 of the High Court of Judicature at Madras in Contempt Appeal No. 2 of 2017.

K. Ramamoorthy, Sr. Adv., C. Paramasivam, Pushkin Rajkumar, Vinodh Kanna B., Advs. for the Appellant.

S. Nagamuthu, Sr. Adv., B. Balaji, S. Arun Prakash, R. Naveenraj, Ms. Purbitaa Mitra, K. V. Vijayakumar, Advs. for the Respondents.

E The Judgment of the Court was delivered by

**R. BANUMATHI, J. 1.** Leave granted.

F 2. This appeal arises out of the judgment dated 23.08.2017 passed by the High Court of Madras in Contempt Appeal No.2 of 2017 affirming the order passed by the learned Single Judge dated 13.02.2017 in and by which the appellant-TWAD Board was directed to pay Rs.600/- per sq. ft. to the first respondent for the land which the appellant-Board entered possession in 1991 with the consent of the first respondent.

G 3. During the year 1991-1992, land to an extent of 86.5 cents in Survey No.271/2A 5E – “Dry Land” in Walajabad Village was entered upon by the appellant-Tamil Nadu Water Supply and Drainage Board (TWAD Board) with the consent of the first respondent-land owner for the construction of Head works and Staff quarters. In the year 1993, the appellant-Board constructed the Head works for supply of drinking water and residential Staff quarters. Accepting the recommendation of the  
H Revenue Divisional Officer, Kancheepuram made in the year 1991, by

an order dated 30.03.2015, the District Collector, Kancheepuram fixed the value of the land at the rate of Rs.260/- per cent and the total value of the land was arrived at Rs.22,490/-. Giving incentive of 12% for every year up to 2012, the value of the land was fixed at Rs.2,43,001/-. A demand draft of Rs.2,43,001/- had been sent to the first respondent by the appellant-Board *vide* its letter dated 14.05.2015 which the first respondent refused to receive and the same was returned.

4. On 31.01.2016, the first respondent filed Writ Petition No.3874 of 2016 and on the third day of filing of the petition i.e. on 03.02.2016, the High Court disposed of the said writ petition with direction to the appellant-Board to submit a report to the District Collector and to ensure that a fair and reasonable compensation be sanctioned to the first respondent at an early date not later than two months. The said order reads as under:-

“6. In the light of the above, there will be a direction to the 3<sup>rd</sup> respondent to submit his report/response to the 4<sup>th</sup> respondent as requested in the letter of the 4<sup>th</sup> respondent dated 23.09.2015, within a period of three weeks from the date of receipt of a copy of this order. On receipt of such shall place appropriate proposal for the consideration of the 2<sup>nd</sup> respondent within a period of three weeks thereafter. Thereafter, the 2<sup>nd</sup> respondent shall consider the matter and ensure that fair and reasonable compensation is sanctioned to the petitioner and paid at the earliest, not later than two months from the date on which the proposal is submitted by the 4<sup>th</sup> respondent. The authorities are well advised to adhere to the time schedule fixed by this Court, failing which, it would amount to disobedience of the order, warranting action under the Contempt of Courts Act.”

5. In compliance of the above direction, the Managing Director of the appellant-Board had sent a letter dated 03.03.2016 to the District Collector, Kancheepuram stating that the District Collector, Kancheepuram is the authority to fix the land value and requested him to fix a fair and reasonable value of the land as ordered by the High Court. A State Level Committee meeting attended by High level Officers had been convened on 25.04.2016. As seen from the Minutes of the Meeting, the entire matter has been thoroughly discussed and considered. It was decided in the said meeting that the case neither comes under the ambit of the Land Acquisition Act nor under ‘Private Negotiation’ and only the District Collector is fully competent to fix the value of the land

A in such cases. Accordingly, it was decided to remit the matter to the District Collector to determine the value of the land and communicate the same to the Managing Director, TWAD Board so that a fair and reasonable compensation is sanctioned to the first respondent and to ensure compliance of the order of the High Court.

B 6. The District Collector accordingly held a detailed enquiry and examined various aspects of the matter and also took into consideration the prevailing guideline value as on 01.04.2012. After elaborate consideration, the District Collector *vide* proceeding dated 23.05.2016 fixed the land value at the rate of Rs.200/- per sq. ft. which was the guideline value as on 01.04.2012 and the said order reads as under:-

C “7. During the Private Negotiation meeting conducted on 09.04.2012, it was decided to for value as per the prevailing guideline value as on 01.04.2012. The Sub-Registrar, Walajabad recommended and reported that the guideline value was at the rate Rs.200/- per sq. ft. for the land in S.No.271/2A5E in his letter no.114/2012, dt. 16.04.2012. Accordingly, the District Collector, Kancheepuram in his proceedings dt. 19.05.2012 has fixed the land value at Rs.200/- per sq. ft. which was the guideline value as on 01.04.2012 and the total value of the land was arrived at Rs.75,42,800/-.”

E The District Collector also observed that the land value at Rs.200/- per sq. ft. is fixed and the same may be paid with interest at the rate of 12% per annum from 19.05.2012 till date of payment. The District Collector opined that land value fixed at Rs.200/- per sq. ft. as on 01.04.2012 is a fair and reasonable value considering the classification of the land at the time when Board entered upon the land. Based on the land value fixed by the District Collector, calculating the amount at the rate of Rs.200/- per sq. ft. along with interest, TWAD Board calculated the total amount of compensation at Rs.1,11,80,723/- as under:-

	Land area	....	86 ½ cent (or) 37714 Sq. ft.
G	Cost of land at the rate of Rs.200/- per sq. ft.	....	Rs.75,42,800/-
	Interest @ the rate of 12% per annum from 19.05.2012 to 25.05.2016 - 4 years and 7 days	....	Rs.36,37,923/-
H	Total	....	Rs.1,11,80,723/-

The first respondent received the said amount of Rs.1,11,80,723/- with protest on 31.05.2016 and issued a receipt for the said amount. A

7. The first respondent did not challenge the rate fixed by the District Collector at Rs.200/- per sq. ft. in a manner known to law. On the other hand, the first respondent filed Contempt Petition No.2626 of 2016 in W.P. No.3874 of 2016 on 28.09.2016 alleging disobedience of the order passed by the High Court on 03.02.2016. The learned senior counsel appearing for the appellant-Board submitted that when the contempt petition came up before the learned Single Judge on 25.11.2016, though no orders were passed, some instructions appeared to have been given to the TWAD Board. It was submitted that apprehending that she might be hauled up for contempt of court, the District Collector *vide* order dated 30.11.2016 fixed the value of the land at the rate of Rs.500/- per sq. ft. When the contempt petition came up for hearing on 13.02.2017, going beyond the order passed in Writ Petition No.3874/2016, the learned Single Judge fixed the value of the land at Rs.600/- per sq. ft and directed the balance amount be paid to the first respondent at the rate of Rs.400/- per sq. ft. The order passed by the High Court reads as under:- B  
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“6. Considering the facts and circumstances of the case, this Court is inclined to fix a reasonable amount of compensation and accordingly, the same is fixed at Rs.600/- per sq. ft. has been paid on 25.05.2016 together with interest, the balance amount payable per square feet is Rs.400/-. However, the interest for the differential amount shall be calculated only at the rate of Rs.300/- per sq. ft. from 19.05.2012 till 25.05.2016. The above direction shall be complied with by the respondents within a period of four weeks from the date of receipt of a copy of this order. On receipt of the amount, the erstwhile owner shall execute a sale deed in favour of the TWAD Board and the expenses be borne by the TWAD Boad.....” E  
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8. Being aggrieved by the above order passed in the contempt proceedings, the appellant-Board preferred appeal before the Division Bench. The said appeal came to be dismissed by the impugned order. G

9. We have heard learned senior counsel appearing for the appellant-Board and learned senior counsel for the first respondent and perused the impugned order and materials on record.

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A 10. The question falling for consideration in this appeal is, in exercise of contempt jurisdiction, whether the learned Single Judge was right in travelling beyond the four corners of the order in W.P. No.3874 of 2016 dated 03.02.2016 and directing the appellant-Board to pay the compensation at the rate of Rs.600/- per sq. ft.

B 11. In Writ Petition No.3874/2016, the High Court passed the order dated 03.02.2016 with direction to the authorities to ensure a fair and reasonable compensation be sanctioned to the first respondent and paid at the earliest. Immediately after the order of the High Court, the Managing Director, TWAD Board wrote a letter dated 03.03.2016 requesting the District Collector, Kancheepuram to fix a fair and  
C reasonable value of the land. Thereafter, the State Level Committee meeting attended by the High Level Officers had been convened and the matter was considered and discussed at length. The State High Level Committee felt that the case would neither fall under the ambit of Land Acquisition Act nor under '*Private Negotiation*' and therefore, the  
D Committee felt that it has no role to play and that the District Collector is competent to fix the value of the land and the State Level Committee remitted the matter to the District Collector to fix the value of the land and communicate the value determined by him to the Managing Director, TWAD Board so that a fair and reasonable compensation is sanctioned to the first respondent within the time limit fixed by the High Court in the  
E order passed in Writ Petition No.3874/2016.

12. A party can be proceeded for disobedience of the order of the court only when there is willful disobedience and non-compliance of the order passed by the court. On perusal of the order dated 03.02.2016 passed in Writ Petition No.3874/2016, it is seen that in the said order,  
F court has only directed the authorities to ensure fair and reasonable compensation be sanctioned to the first respondent and be paid at the earliest. The officers quickly acted in order to comply with the direction of the High Court. When the direction was only to consider the case of the first respondent for ensuring fair and reasonable compensation and having regard to the swift action taken by the appellant and other officials,  
G in our view, there was no disobedience of the order of the court, much less wilful disobedience to invoke contempt jurisdiction.

13. After the State Level Committee remitted the matter to the District Collector, the District Collector conducted a detailed enquiry and took into consideration the prevailing guideline value as on 01.04.2012.

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After examining the report of the Sub-Registrar, Walajabad and taking into consideration the guideline value, by proceeding dated 23.05.2016 the District Collector fixed the land value at Rs.200/- per sq. ft. which was the guideline value as on 01.04.2012. As pointed out earlier, the total value of the land was arrived at Rs.75,42,800/- and the interest at the rate of 12% totalling Rs.1,11,80,723/- was paid to the first respondent which the first respondent received under protest. In compliance of the order of the High Court, the District Collector passed the order fixing the land value at the rate of Rs.200/- per sq. ft. as on 01.04.2012 (though the land came to be in occupation of TWAD Board way back in 1991). The first respondent has not challenged the said compensation fixed at the rate of Rs.200/- sq. ft. as on 01.04.2012 in the manner known to law. In compliance of the order of the High Court, when the amount has been paid to the first respondent, in our considered view, there was no disobedience or non-compliance of the order of the court to entertain the contempt petition.

14. In *Sushila Raje Holkar v. Anil Kak (Retired)* (2008) 14 SCC 392, the Supreme Court held that whether contempt has been committed or not is not a matter of mechanical application of mind. In a given case, it has to be tested having regard to the subject matter of the proceeding in which it is made and the nexus between the alleged contumacious act. In the Writ Petition No.3874/2016, the High Court only directed TWAD Board and its officials to ensure just and reasonable compensation be paid to the first respondent which has been duly complied with by the Board by paying the compensation fixing the land value at the rate of Rs.200/- per sq. ft. as on 01.04.2012 as per guideline value. In compliance with the order passed by the High Court, when the compensation has been paid to the first respondent, there was no question of disobedience of the order of the court to maintain the contempt petition. Without appreciating that the order of the High Court has been duly complied with, the learned Single Judge erred in entertaining the contempt petition. Apart from entertaining the contempt petition, the learned Single Judge further fell in error in issuing positive direction to the authorities to pay further compensation at the rate of Rs.600/- per sq. ft., which, in our considered view, is arbitrary and unsustainable.

15. The learned senior counsel Mr. Ramamoorthy appearing for the Board submitted that when the contempt petition came up for hearing on 25.11.2016, the learned Single Judge issued oral instructions to the TWAD Board and the appellant Board was compelled to take further



A steps in fixing the higher land value. It is stated that though no orders were passed by the learned Single Judge on 25.11.2016, oral directions were issued by the learned Single Judge. The same is reflected in the proceeding of the District Collector dated 30.11.2016 as seen from the following:-

B “....Thereafter, the land owner filed the contempt of court petition in No.2626/2016 before the Chennai High Court. When the aforesaid case was on trial, on 25.11.2016, as per the instructions given by the honourable judge, today (30.11.2016) the Superintending Engineer of the TWAD Board and the District Registrar Kanchipuram, in the meeting held with them, it is  
C informed to the land owner as follows.....”

Though much reliance was placed upon the proceedings of the District Collector dated 30.11.2016, we are constrained to observe that the said proceeding of the District Collector dated 30.11.2016 fixing the land value at the rate of Rs.500/- per sq. ft. as on 30.11.2016 was passed  
D under the fear of contempt of court which, in our view, is liable to be quashed. In any event, when the entry into land was way back in 1990-91, the first respondent cannot claim that compensation be paid to him on the value of the land fixed in the year 2016 as of 30.11.2016.

16. The learned senior counsel appearing for the first respondent placed reliance upon the statement of the learned Additional Advocate  
E General who represented the Board in the Contempt Petition No.2626/2016 who has stated “....*that the court should confirm itself to order compensation at the rate of Rs.500/- per sq. ft.*” This contention does not merit acceptance. Be it noted that when the matter was heard by the learned Single Judge on 13.02.2017, no affidavit has been filed by  
F any responsible officer that the compensation may be paid to the first respondent at the rate of Rs.500/- per sq. ft. Since we are quashing the order of the District Collector dated 30.11.2016, in our considered view, the first respondent cannot fall back upon statement of the learned Additional Advocate General made in the court. The respondent cannot  
G take advantage of such oral concession made by the learned Additional Advocate General.

17. In the contempt jurisdiction, the court has to confine itself to the four corners of the order alleged to have been disobeyed. Observing that in the contempt jurisdiction, the court cannot travel beyond the four

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corners of the order which is alleged to have been floated, in *Sudhir Vasudeva, Chairman and Managing Director, Oil and Natural Gas Corporation Limited and others v. M. George Ravishekaran and others* (2014) 3 SCC 373, speaking for the Bench, Justice Ranjan Gogoi held as under:-

“19. The power vested in the High Courts as well as this Court to punish for contempt is a special and rare power available both under the Constitution as well as the Contempt of Courts Act, 1971. It is a drastic power which, if misdirected, could even curb the liberty of the individual charged with commission of contempt. The very nature of the power casts a sacred duty in the Courts to exercise the same with the greatest of care and caution. This is also necessary as, more often than not, adjudication of a contempt plea involves a process of self-determination of the sweep, meaning and effect of the order in respect of which disobedience is alleged. The Courts must not, therefore, travel beyond the four corners of the order which is alleged to have been flouted or enter into questions that have not been dealt with or decided in the judgment or the order violation of which is alleged. Only such directions which are explicit in a judgment or order or are plainly self-evident ought to be taken into account for the purpose of consideration as to whether there has been any disobedience or wilful violation of the same. Decided issues cannot be reopened; nor can the plea of equities be considered. The Courts must also ensure that while considering a contempt plea the power available to the Court in other corrective jurisdictions like review or appeal is not trekked upon. No order or direction supplemental to what has been already expressed should be issued by the Court while exercising jurisdiction in the domain of the contempt law; such an exercise is more appropriate in other jurisdictions vested in the Court, as noticed above. The above principles would appear to be the cumulative outcome of the precedents cited at the Bar, namely, *Jhaleswar Prasad Paul v. Tarak Nath Ganguly* (2002) 5 SCC 352, *V.M. Manohar Prasad v. N. Ratnam Raju* (2004) 13 SCC 610, *Bihar Finance Service House ConstructionCoop. Society Ltd. v. Gautam Goswami* (2008) 5 SCC 339 and *Union of India v. Subedar Devassy PV* (2006) 1 SCC 613.” [underlining added]

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- A Applying the above principles to the present case, it is clear that the Single Judge fell in error in entertaining the contempt petition and further erred in directing the TWAD Board to pay compensation at the rate of Rs.600/- per sq. ft. which works out to more than Rs.4,00,00,000/-. It is public money and having implications on the public exchequer, the public money cannot be allowed to be taken away by an individual by filing contempt petition thereby arm-twisting the authorities. The order passed by the learned Single Judge affirmed by the Division Bench is ex-facie erroneous and liable to be set aside.
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18. In the result, the impugned order of the Division Bench in Contempt Petition No.2/2017 and the order of the learned Single Judge in Contempt Petition No.2626/2016 are set aside and this appeal is allowed.

Kalpana K. Tripathy

Appeal allowed.