



W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024, W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : **23.07.2024**
Pronounced on : **14 .02.2025**

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR
AND
THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

**W.P.(MD).Nos.1470 and 4017 of 2024, 16859 and 18160 of 2020,
3242 of 2021, 9786 and 20509 of 2022,
9887 and 9132 of 2023, 7408 of 2024,
W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020
and
W.M.P.(MD).Nos.1506, 1507 and 5392 of 2024,
14090, 14495 and 15160 of 2020, 2575, 2576 and 2578 of 2021,
7005 and 14847 of 2022, 8719 and 8252 of 2023,
6821, 6823, 2293, 3907 and 3908 of 2024,
C.M.P.(MD).No.9997 of 2023
and Sub.A.(MD).No.151 of 2020
W.P.(MD).No.1470 of 2024**

C.Saravanan

... Petitioner

Vs.

1. The Principal Secretary to Government
Revenue and Disaster Management Department,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Land Administration
Land Administration Department,
2nd Floor, Ezhilagam,



W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024,
W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

Chepauk, Chennai - 600 005.

WEB COPY

3. The Principal Secretary to Government
Municipal Administration & Water Supply Department,
Fort St. George,
Chennai - 600 009.
 4. The Directorate of Municipal Administration
75, Urban Administrative Building,
Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai - 600 028.
 5. The District Collector
Karur, Karur District.
 6. The Commissioner
Karur Municipal Corporation,
Karur, Karur District.
- ... Respondents

Prayer in W.P.(MD).No.1470 of 2024 : Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a writ of certiorari to call for the records relating to the impugned G.O.Ms.No.550, dated 09.11.2023 issued by the first respondent and quash the same as illegal.

W.P.(MD).No.4017 of 2024

S.Thangavelraj ... Petitioner

Vs.

1. The Principal Secretary to Government
Revenue and Disaster Management Department,
Fort St. George,
Chennai - 600 009.



W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024,
W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

2. The Commissioner of Land Administration

Land Administration Department,
2nd Floor, Ezhilagam,
Chepauk, Chennai - 600 005.

3. The Principal Secretary to Government

Municipal Administration & Water Supply Department,
Fort St. George,
Chennai - 600 009.

4. The Directorate of Municipal Administration

75, Urban Administrative Building,
Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai - 600 028.

5. The District Collector

Karur, Karur District.

6. The Commissioner

Karur Municipal Corporation,
Karur, Karur District.

... Respondents

Prayer in W.P.(MD).No.4017 of 2024 : Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a writ of certiorari to call for the records relating to the impugned G.O.Ms.No.550, dated 09.11.2023 issued by the first respondent and quash the same as illegal.

W.P.(MD).No.16859 of 2020

R.Periyasamy

... Petitioner



W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024,
W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

Vs.

WEB COPY

1. The State of Tamil Nadu
Rep. by the Secretary to Government
Municipal Administration and Water Supply Department,
Secretariat,
Chennai - 9.
2. The Commissioner
Municipal Administration and Water Supply Department,
Ezhilagam, Anna Building,
Chepauk, Chennai - 5.
3. The District Collector
Karur District,
Karur.
4. The Commissioner
Karur Municipality,
Karur District.

... Respondents

Prayer in W.P.(MD).No.16859 of 2020 : Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a writ of Mandamus forbearing the respondents from establishing a bus stand in S.No.263 to 265 at Thoranakalpatti village, Karur District in defiance of G.O.Ms.No.87 of 2013 issued by the first respondent dated 20.06.2013.

W.P.(MD).No.18160 of 2020

MRK. Shiva

... Petitioner

Vs.



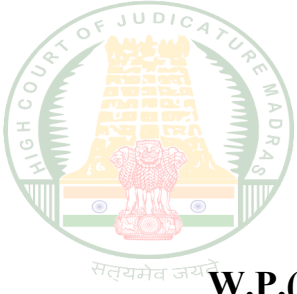
W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024, W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

WEB COPY

1. The Secretary to Government
Municipal Administration and Water Supply Department,
Secretariat,
Chennai - 9.
2. The Commissioner
Municipal Administration and Water Supply Department,
Ezhilagam,
Chepauk, Chennai - 5.
3. The District Collector
Karur District,
Karur.
4. The Commissioner
Karur Municipality,
Karur District.

... Respondents

Prayer in W.P.(MD).No.18160 of 2020 : Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Mandamus directing the respondents No. 3 and 4 to construct the new bus stand in the donated lands in Survey Nos. 95 Part, 97 Part, 98 Part, 113 Part, 114 Part, 115 Part, 116 Part, 117 Part, 118 Part, 150 Part, 151 Part, 152 Part, 243 Part, 246 Part, 247 Part, 248 Part to an extent of 12.14 acres in Thirumanilaiyur Village, Karur District as per the G.O.Ms.No.87, Municipal Administration and Water Supply (NaNe.4) Department, dated 20.06.2013 and the orders of this Hon'ble Court in W.P.(MD)No.3449 of 2017 dated 28.02.2017 and Review Application (MD) No.26 of 2017 and W.M.P. (MD).No.8254 of 20 dated 03.01.2019.



W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024, W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

W.P.(MD).No.3242 of 2021

WEB COPY

R.Periasamy

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by the Secretary to Government
Transport Department,
Secretariat,
Chennai - 9.
2. The State of Tamil Nadu
Rep. by the Secretary to Government,
Animal Husbandry, Dairying and Fisheries (AH2) Department,
Secretariat,
Chennai - 9.
3. The State of Tamil Nadu
Rep. by the Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai - 600 009.
4. The District Collector
Karur District,
Karur.
5. The Managing Director
Tamil Nadu State Transport Corporation
Kumbakonam Ltd.,
No.27, Railway Station New Road,
Kumbakonam,
Thanjavur District.
6. The Commissioner



W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024,
W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

WEB COPY Karur Municipality,
Karur.

7. The Assistant Director
District Town and Planning Office,
Karur District.

... Respondents

Prayer in W.P.(MD).No.3242 of 2021 : Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a writ of certiorari calling for the records pertaining to the Impugned communication by the 4th respondent vide his proceedings in Na.Ka.Aal/27071/2010 dated 31.12.2020 and the Impugned Government order vide G.O.(Ms).No.16, dated 03.02.2021 issued by the 2nd respondent and consequential tender notification in Tender Notice No.2/2021-2022 dated 29.01.2021 issued the fifth respondent and quash the same.

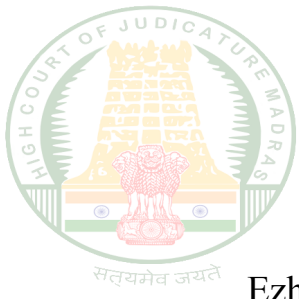
W.P.(MD).No.9786 of 2022

P.Palanisamy

... Petitioner

Vs.

1. The Principal Secretary to Government
Municipal Administration & Water Supply,
Fort St. George,
Chennai - 600 009.
2. The Principal Secretary to Government
Transport Department,
Fort St. George,
Chennai - 9.
3. The Principal Secretary / Commissioner
Rehabilitation and Welfare for Non-resident Tamils,

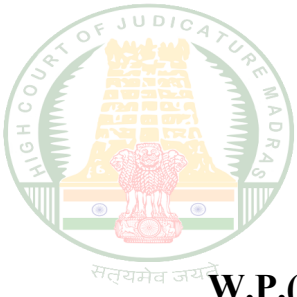


W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024, W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

WEB COPY Ezhilagam,
Chennai - 5.

4. The Commissioner of Municipal Administration
Dept of Municipal Administration & Water Supply,
Fort St. George,
Chennai.
 5. The District Collector
Karur District,
Karur.
 6. The Managing Director
Tamil Nadu State Transport Corporation
Kumbakonam Ltd.,
Kumbakonam, Thanjavur District.
 7. The Commissioner
Karur Municipal Corporation,
Karur, Karur District.
 8. The Block Development Officer (Panchayat)
Thanthoni Panchayat Union,
Karur District.
- ... Respondents

Prayer in W.P.(MD).No.9786 of 2022 : Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a writ of mandamus directing the respondents to construct the Additional Mofussil bus stand at Government Poramboke land in S.No. 263. 264,265/1 at Thoranakkalpatt village, karur District in the light of the G.O.Ms.No.15 dated 29.01.2021 within a time frame fixed by this Hon'ble court.



W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024, W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

W.P.(MD).No.20509 of 2022

C.Saravanan

... Petitioner

Vs.

1. The Principal Secretary to Government
Municipal Administration and Water Supply,
Fort. St. George,
Chennai - 9.

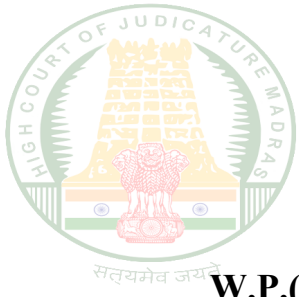
2. The Directorate of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai - 600 028.

3. The District Collector
Karur District,
Karur.

4. The Commissioner
Karur Municipal Corporation,
Karur
Karur District.

... Respondents

Prayer in W.P.(MD).No.20509 of 2022 : Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Mandamus directing the respondents to construct the Karur New Bur stand at Thoranakkalpatti land or some other suitable place at karur except tha land in S.Nos.95 Part, 97 Part, 98 Part, 113 Part, 114 Part, 115 Part, 116 Part, 117 Part, 118, 119, 120, 121, 122, 123 Part, 146 Part, 147 Part, 148 Part, 149, 150 Part, 151 Part, 152 Part, 243 Part, 246 Part, 247 Part, 248 Part which is situated at Thirumanilaiyur revenue village, Karur, Karur District.



W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024, W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

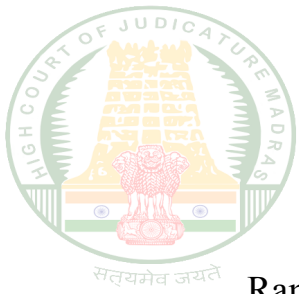
W.P.(MD).No.9887 of 2023

Karur Municipal Corporation
Rep. by its Commissioner,
(Wrongly mentioned as Karur Municipality
by the applicant before the NGT)
Municipal Office,
Azad Road, Karur - 639 001.

... Petitioner

Vs.

1. Thangavelraj
2. Union of India
Ministry of Environment, Forest & Climate Change
Rep. by its Secretary to Government,
Paryavaran Bhavan, Jor Bagh Road,
New Delhi - 110 003.
3. State of Tamil Nadu
Rep. by its Principal Secretary to Government
Department of Environment and Forests,
Secretariat, Fort St. George,
Chennai - 600 009.
4. Department of Municipal Administration
Urban and Water Supply,
Rep. by its Additional Chief Secretary to Government,
Secretariat, Fort St. George,
Chennai - 600 009.
5. Tamil Nadu Pollution Control Board,
Rep. by its Member Secretary,
100, Anna Salai, Guindy,
Chennai - 600 032.
6. The District Environmental Engineer
Karur No.26,



W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024,
W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

WEB COPY Ramakrishnapuram West,
Karur - 639 001.

7. The District Collector
Thanthonimalai,
Karur.

... Respondents

Prayer in W.P.(MD).No.9887 of 2023 : Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorari to call for the records pertaining to the impugned order made in O.A.No.132 of 2022 (SZ), dated 23.03.2023 passed by the National Green Tribunal, Southern Zone, Chennai and to quash the same.

W.P.(MD).No.9132 of 2023

C.Saravanan

... Petitioner

Vs.

1. The Union of India
Ministry of Environment, Forest & Climate Change
Rep. by its Secretary to Government,
Paryavaran Bhavan, Jor Bagh Road,
New Delhi - 110 003.
2. The Principal Secretary to Government
Municipal Administration & Water Supply Department,
Fort St. George,
Chennai - 600 009.
3. The Director of Municipal Administration
75, Urban Administrative Building,
Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai - 600 028.



W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024,
W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

4. The District Collector
Karur,
Karur District.

5. The Commissioner
Karur Municipal Corporation,
Karur, Karur District.

... Respondents

Prayer in W.P.(MD).No.9132 of 2023 : Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Mandamus forbearing the fifth respondent from effecting any construction / development in the land in Survey Nos. 95 Part, 97 Part, 98 Part, 113 Part, 114 Part, 115 Part, 116 Part, 117 Part, 118 Part, 119, 120, 121, 122, 123 Part, 146 Part, 147 Part, 148 Part, 149, 150 Part, 151 Part, 152 Part, 243 Part, 246 Part, 247 Part, 248, Thirumanilaiyur revenue village, Karur, Karur District, destroying the field bothies therein and consequently direct the respondents to remove the illegal construction / development made in the said land and restore the field bothies within the time that may be stipulated by this Court.

W.P.(MD).No.7408 of 2024

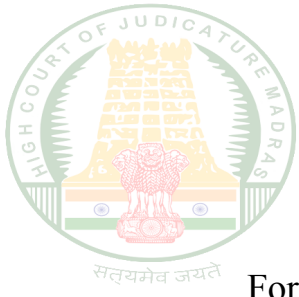
C.Saravanan

... Petitioner

Vs.

1. The Principal Secretary to Government
Municipal Administration and Water Supply Department,
Fort. St. George,
Chennai - 9.

2. The Principal Secretary to Government
Housing and Urban Development,



W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024,
W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

Fort St. George,
Chennai - 600 009.

3. The Directorate of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai - 600 028.
4. The Director
Tamil Nadu Town and Country Planning Department,
Chepauk, Chennai - 600 005.
5. The District Collector
Karur District,
Karur.
6. The Commissioner
Karur Municipal Corporation,
Karur, Karur District.
7. The President
Karuppampalayam Village Panchayat,
Karur, Karur District

... Respondents

Prayer in W.P.(MD).No.7408 of 2024 : Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorari to call for the records relating to the impugned G.O.Ms.No.76, dated 17.07.2014 issued by the second respondent and quash the same.

W.A.(MD).No.1325 of 2023

S.Thangavelraj

... Appellant

Vs.



W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024,
W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

1. The Additional Principal Secretary to Government
Municipal Administration and Water Supply,
Fort. St. George,
Chennai - 9.

2. The Directorate of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai - 600 028.

3. The Commissioner of Land Administration
Land Administration Department,
2nd Floor, Ezhilagam,
Chepauk, Chennai - 600 005.

4. The District Collector
Karur,
Karur District.

5. The District Revenue Officer
District Collector Office,
Karur District.

6. The Commissioner
Karur Municipal Corporation,
Karur District.

... Respondents

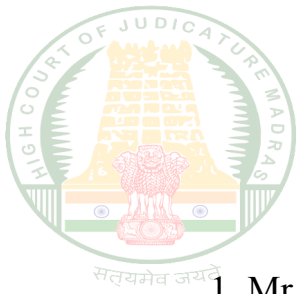
Prayer in W.A.(MD).No.1325 of 2023 : Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order dated 20.06.2023 made in W.P. (MD).No.14444 of 2023 on the file of this Court.

Cont.P.(MD).No.13521 of 2020

P.Saravanan

... Petitioner

Vs.



W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024, W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

1. Mr.Harmender Singh, I.A.S.,
Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai - 600 009.

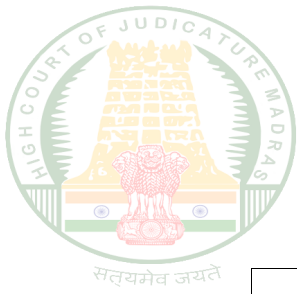
2. Mr.K.Baskaran
Commissioner,
Municipal Administration and Water Supply Department,
Ezhilagam,
Anna Building,
Chepauk, Chennai - 600 005.

3. Mrs.K.M.Sudha
Commissioner,
Karur Municipality,
Karur

... Respondents

Prayer in Cont.P.(MD).No.13521 of 2020 : Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971 to punish upon the contemnors for their wilful disobedience of the order passed by this Court in W.P. (MD).No.3449 of 2017, dated 28.02.2017 and Cont.P.(MD).No.345 of 2018 dated 11.01.2019 and punish them according to law.

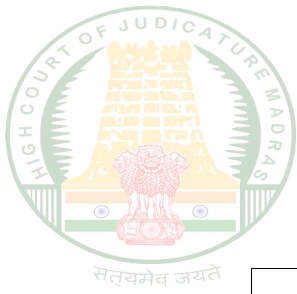
<i>Case No.</i>	<i>For Petitioner(s) / Appellant(s)</i>	<i>For Respondent(s)</i>
W.P.(MD).No.1470 of 2024	Mr.Sricharan Rangarajan Senior Counsel, for Mr.M.Mahaboob Athiff	Mr.J.Ravindran, AAG assisted by Mr.P.Thilak Kumar, Govt. Pleader for R1 to R5 Mr.P.S.Raman, AG assisted by Mr.K.Balasubramani Standing counsel for R6



W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024, W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

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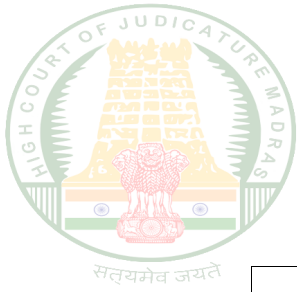
Case No.	For Petitioner(s) / Appellant(s)	For Respondent(s)
W.P.(MD).No.4017 of 2024	Mr.V.Raghavachari, Senior Counsel assisted by Mr.A.G.Vedavikas for Mr.C.B.Naveen Chandran	Mr.J.Ravindran, AAG assisted by Mr.P.Thilak Kumar, GP for R1 to R5 Mr.P.S.Raman, AG assisted by Mr.K.Balasubramani for R6
W.P.(MD).No.16859 of 2020	Mr.M.Suresh	Mr.Veera.Kathiravan, AAG-III assisted by Mr.P.Thilak Kumar, GP for R1 to R3 and Mr.Veera.Kathiravan, AAG-III for Mr.K.Balasubramani for R4
W.P.(MD).No.18160 of 2020	Mr.T.Dhanasekar	Mr.P.S.Raman, AG assisted by Mr.P.Thilak Kumar, GP for R1 to R3 Mr.J.Ravindran, AAG-IX for Mr.K.Balasubramani for R4
W.P.(MD).No.3242 of 2021	Mr. M.Suresh	Mr.Veera.Kathiravan, AAG-III assisted by Mr.P.Thilak Kumar, GP for R1 to R4 and R7 Mr.Veera.Kathiravan, AAG-III for Mr.K.Balasubramani for R6 Mr.Veera.Kathiravan, AAG-III for Mr.D.Sivaraman for R5



W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024, W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

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Case No.	For Petitioner(s) / Appellant(s)	For Respondent(s)
W.P.(MD).No.9786 of 2022	Mr.J.Senthil Kumaraiah for Mr.N.Rajasekar	Mr.Veera.Kathiravan, AAG-III assisted by Mr.P.Thilak Kumar, GP for R1 to R5 Mr.Veera.Kathiravan, AAG-III for Mr.D.Sivaraman for R6 Mr.Veera.Kathiravan, AAG-III for Mr.K.Balasubramani for R7 Mr.Veera.Kathiravan, AAG-III for Mr.A.Sivanupandian for R8
W.P.(MD).No.20509 of 2022	Mr.Sricharan Rangarajan Senior Counsel, for Mr.P.E.Pandiarajan	Mr.P.S.Raman, AG assisted by Mr.P.Thilak Kumar, GP for R1 to R3 Mr.V.P.Sengottuvel, Senior Counsel for Mr.K.Balasubramani for R4
W.P.(MD).No.9887 of 2023	Mr.Isaac Mohanlal, Senior Counsel for Mr.K.Balasubramani	Mr.V.Raghavachari, Senior Counsel assisted by Mr.A.G.Vedavikas for Mr.C.B.Naveen Chandran for R1 Mr.K.Govindarajan, DSGI for R2 Mr.P.S.Raman, AG assisted by Mr.P.Thilak Kumar, GP for R3, R4 and R7 Mrs.Vijayakumari Natarajan for R5 and R6



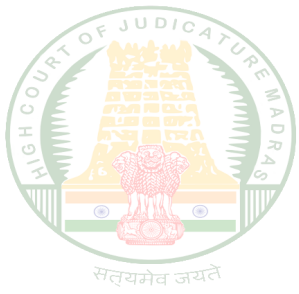
W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024, W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

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Case No.	For Petitioner(s) / Appellant(s)	For Respondent(s)
W.P.(MD).No.9132 of 2023	Mr.M.Sricharan Rangarajan, Senior Counsel for Mr.Mahaboob Athiff	Mr.K.Govindarajan, DSGI for R1 Mr.P.S.Raman, AG assisted by Mr.P.Thilak Kumar, GP for R2 to R4 Mr.P.S.Raman, AG for Mr.K.Balasubramani for R5
W.P.(MD).No.7408 of 2024	Mr.T.Lajapathi Roy, Senior Counsel assisted by Mr.P.Prakash for Mr.S.Pandiaraj	Mr.P.S.Raman, AG assisted by Mr.P.Thilak Kumar, GP for R1 to R5 Mr.P.S.Raman, AG for Mr.K.Balasubramani for R6
W.A.(MD).No.1325 of 2023	Mr.V.Raghavachari, Senior Counsel assisted by Mr.A.G.Vedavikas for Mr.Niranjan S.Kumar	Mr.P.S.Raman, AG assisted by Mr.P.Thilak Kumar, GP for R1 to R5 Mr.P.S.Raman, AG for Mr.K.Balasubramani, Standing Counsel for R6
Cont.P.(MD).No. 1352 of 2020	Mr.A.N.Ramanathan	Mr.P.S.Raman, AG assisted by Mr.P.Thilak Kumar, GP for R1 and R2 Mr.P.S.Raman, AG for Mr.K.Balasubramani for R3

COMMON ORDER

R.SURESH KUMAR, J.



W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024, W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

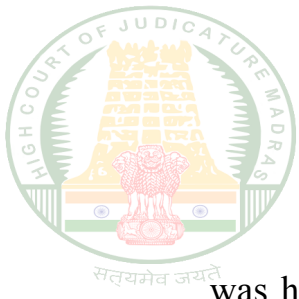
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Since the issue involved in all these writ petitions as well as the writ appeal and contempt petition is one and the same, all these cases were heard together and are disposed by this common order.

2. The factual matrix which revolves in all these cases can be divided into two parts. Part-I starts from the year 2006 and ends with the dismissal of batch of writ petitions by a Division Bench of this Court, by order, dated 28.04.2014 in W.P.(MD).No.1881 of 2013 etc., batch. Part-II starts thereafter and ends at filing of all these cases.

3. The necessary facts in Part-I which are the very basic facts are first traversed hereunder in nutshell :

3.1. That the Karur Municipality, which has subsequently been developed as a Municipal Corporation, was, during the early 2000, a busy developing Municipal Town in the State of Tamil Nadu. It is one of the industrial town of various activities mainly on the manufacture and export of garments. It has a central bus stand which has been established long years ago. Since the parking facility of the said central bus stand of karur town



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was having the capacity of only 50 odd buses, there had been a consistent demand from all walks of life to expand the bus stand or to construct a new bus stand. In this context though some steps had been taken by the municipality to develop the bus stand, that had not yielded any desired result. Therefore the Karur Municipality had decided to explore the possibility of construction of an integrated new bus stand to cater the needs of all walks of life who comes to and go from the karur town.

3.2. In this regard, the District Collector of Karur had sent a proposal, dated 28.01.2006 that, lands available in three places namely Sanappiratti village, Attur village and Thoranakalpatti village were examined and a total extent of 8.10 acres of land at Thoranakalpatti village in Thanthoni-III Grade municipality offered by the villagers free of cost for the construction of the bus stand would be suitable.

3.3. The said recommendation of the District Collector was rejected by the Karur Municipality Council by Resolution No.32, dated 31.01.2006. Therefore at the instance of the Government, the Municipal Commissioner of Karur had been in searching of a suitable alternative place. Therefore he



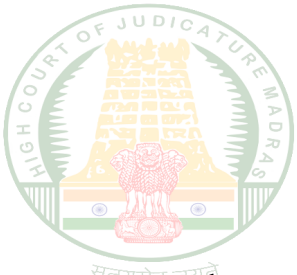
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had sent a communication to the Project Director of the National Highways Authority of India on 27.01.2009 with a request to send the road map for the National Highways, that was coming up in Trichy - Coimbatore bye pass road passing through the Thanthoni revenue village as well as the Thoranakalpatti revenue village.

3.4. In the meantime, the Councillors of the Municipality had brought two independent private resolutions to be adopted by the Municipal Council Meeting held on 29.01.2009. According to which, the ward councillor one by name R.Prabhu brought a resolution regarding the location for the proposed bus stand to an extent of 17 acres of land situated at Sukkaliyoor village which is a Government poramboke land. The other proposal was brought in by one N.Maniraj, the Councillor, according to him, the location of the bus stand can be fixed in a land belonging to the temple called Sri Bala Thandayuthapani Temple in Thanimalai, Attur village.

3.5. The Municipal Council in its meeting dated 29.01.2009 has accepted the resolution brought in by R.Prabhu by rejecting the resolution



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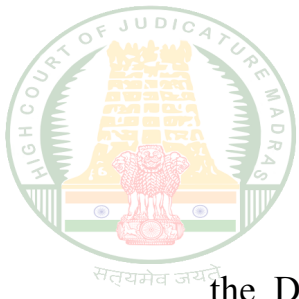
brought in by N.Maniraj.

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3.6. Therefore as per the resolution passed by the Municipal Council the land at Sukkaliyoor village comes under Thoranakalpatti revenue village was accepted by the Municipal Council initially.

3.7. Thereafter the RDO, Karur addressed the District Collector recommending the reclassification of the land from Manthaiveli Poramboke, that is waste land meant for gracing for the purpose of the proposed location of the new bus stand.

3.8. Thereafter some letter correspondences, with regard to the in-between lands belongs to the private parties to be sorted, out had been exchanged between the RDO and the Commissioner of Municipality. While the said proposal was pending, the Government issued G.O.Ms.No.19, Municipal Administration and Water Supply Department, dated 14.11.2011 extending the local limits of Karur Municipality which includes the Thanthoni municipality and other areas. In view of this new development,

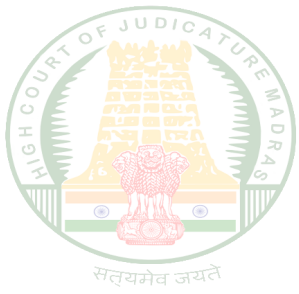


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the District Collector, Karur again sent a letter to the Commissioner of Municipal Administration as well as the Government seeking a fresh approval for the location of the new bus stand at Thoranakalpatti revenue village in the Government poramboke lands and a reclassification of the said land also was sought for by the District Collector by a subsequent letter.

3.9. Thereafter a fresh resolution was sought to be passed by the letter of the Commissioner of Municipal Administration, dated 22.12.2011 by the Karur Municipality in view of the municipality's area since has been expanded. Therefore the subject was placed before the Municipal Council in its meeting held on 10.10.2012, however, by Resolution No.797, the Municipal Council rejected the proposal on the ground that, the land proposed for construction of the bus stand since is 10 kms away from the main town and therefore, the Municipality decided to invite fresh offers from the land owners for donating the land free of cost at any other suitable place.



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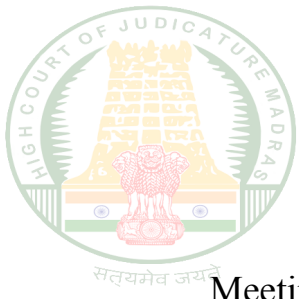
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3.10. In view of the latest resolutions of the municipality advertisements were issued in prominent newspapers on 12.10.2012 inviting interested parties to donate land for the location of the bus stand.

3.11. This stand of the Municipality was objected by a section of the people, therefore they made an objection to the Chief Secretary on 29.10.2012. However, in response to the paper advertisement given by the Municipality, two persons namely M.Nachimuthu and N.Senthil Prasath residing at Karur made offer on 07.11.2012 for donating the land to an extent of about 12.14 acres in a village called Thirumanilaiyur for the proposed new bus stand to be located.

3.12. Considering the said offer made by the two individuals to donate their lands at Thirumanilaiyur village, a committee consisting of various authorities in its meeting dated 27.12.2012 decided to accept the offer made by the two individuals favourably.

3.13. Therefore the subject was placed before the Municipal Council



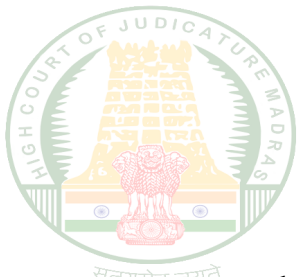
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Meeting held on 28.12.2012, where by Resolution No.1079, the Municipal Council decided to accept the offer made by the said M.Nachimuthu and N.Senthil Prasath. Infact the said resolution, dated 28.12.2012 was carried by a majority of 47 out of 48 members present.

3.14. The said resolution was communicated by the Commissioner of Municipality to the Commissioner of Municipal Administration who in turn issued a publication in the newspapers on 07.11.2013 containing Request For Proposal (RFP) for invitation of consulting services for appointment of a Consultant for preparation of Detailed Project Report (DPR) for establishment of integrated bus stand for Karur Municipality.

3.15. However the said RFP, dated 07.11.2013 issued by the Commissioner of Municipal Administration was put under challenge by one R.Ekambaram, who is also one of the Councillor of the Karur Municipality, in a writ petition in W.P.(MD).No.18881 of 2013. In fact, the said writ petition came up for admission before a Division Bench on 25.11.2013, where only the RFP was under challenge seeking for a writ of certiorari to



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quash the same.
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3.16. Even before filing the said writ petition in W.P.(MD).No.18881 of 2013, the Municipality passed yet another resolution on 23.05.2013 seeking an approval from the Government in terms of Section 152 of the Tamil Nadu District Municipalities Act, 1920.

3.17. Pursuant to the said request made by the Municipal Commissioner on the basis of the resolution of the Municipal Corporation, dated 23.05.2013, the Government had also issued an order in G.O.Ms.No. 87, Municipal Administration and Water Supply Department, dated 20.06.2013 granting approval under Section 152 of the Act for the Karur Municipality to undertake the work of integrated bus stand at the place accepted by the Municipal Council, i.e., at Thirumanilaiyur.

3.18. The very same writ petitioner, i.e., Municipal Councillor R.Ekambaram once again had approached the Court by filing W.P. (MD).No.14749 of 2013 challenging the said Government Order in



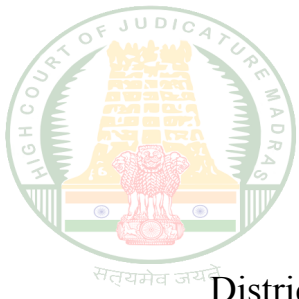
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G.O.Ms.No.87, dated 20.06.2013. Thereafter three more writ petitions came to be filed in W.P.(MD).Nos.536, 2746 and 5774 of 2014 challenging the very same Government Order in G.O.Ms.No.87, Municipal Administration and Water Supply Department, dated 20.06.2013.

3.19. All these five writ petitions were heard by a Division Bench of this Court and ultimately passed orders on 28.04.2014. The Division Bench in the said Judgment has exhaustively discussed the issue, contention after contention made on behalf of the writ petitioners and has ultimately concluded that all the five writ petitions are deserved to be dismissed and accordingly dismissed. However, insofar as the writ petition filed by the erstwhile Municipal Councillor Ekambaram, it was dismissed with cost of Rs.20,000/- to be payable by him to the Karur Municipal Corporation.

3.20. The said order, dated 28.04.2014 passed by the Division Bench in the matter of R.Ekambaram v. Government of Tamil Nadu was taken on appeal to the Hon'ble Supreme Court in S.L.P.Nos.20706 and 20707 of 2014 and the same was dismissed as withdrawn by the order of the Hon'ble Supreme Court, dated 19.08.2014. Therefore the G.O.Ms.No.87 issued by the State Government giving such permission under Section 152 of the



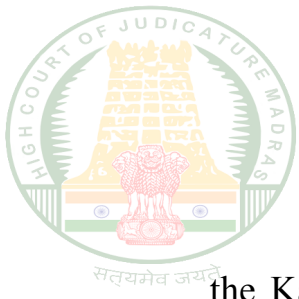
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District Municipalities Act permitting the Karur Municipality to go ahead with the construction of the new Integrated central bus stand at the proposed place of land to the extent of more than 12 acres donated by two individuals accepted by the Municipal Council at Thirumalinayur has been upheld and the issue has come to an end by upholding the said G.O., by the Judgment of the Division Bench dated 28.04.2014. As against which, the S.L.P filed by the writ petitioner Ekambaram was dismissed by the Hon'ble Supreme Court as withdrawn by order, dated 19.08.2014. This is the Part-I of the factual matrix of this case.

3.21. After the dismissal of those writ petitions by the order of the Division Bench dated 28.04.2014, the issue was not stopped there at and it continued for further long way which is the factual matrix in Part-II.

3.22. Subsequently, by various proceedings of the concerned authorities, including the District Collector, Karur, dated 06.07.2015, the land which was originally identified at Thoranakalpatti revenue village for the proposed central bus stand of Karur Municipality had been allotted for the construction of a refugee camp. In the meanwhile one P.Saravanan had filed a writ of mandamus seeking a direction to the Government as well as



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the Karur Municipality to consider his representation dated 10.02.2017 to establish a new central bus stand at Karur by implementing the Government Order vide G.O.Ms.No.87, dated 20.06.2013.

3.23. A Division Bench of this Court by order, dated 28.02.2017 disposed the said writ petition filed by P.Saravanan in W.P.(MD).No.3449 of 2017 by allowing the said writ petition, giving a direction to the respondents therein, i.e., the State Government as well as the Karur Municipality to establish a new bus stand in karur town in pursuance of G.O.Ms.No.87, dated 20.06.2013 within a period of two months.

3.24. Since the said order passed in W.P.(MD).No.3449 of 2017 issuing a mandamus to implement the G.O.Ms.No.87 was not complied with, the said Saravanan moved a Contempt Petition before this Court in Cont.P.No.345 of 2018 wherein a status report has been filed by the Commissioner, Karur Municipality and time and again the said contempt petition has been taken up for hearing, where some directions had been

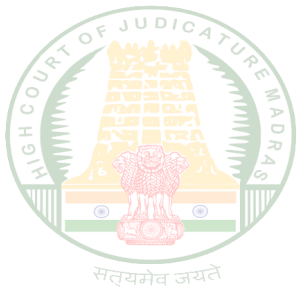


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issued to file status report and to spell out the stand of the municipality as to why such a proposal to construct a bus stand despite the G.O having been issued was pending and gets delayed.

3.25. In the meanwhile a Review Application in Rev.Appl (MD).No. 26 of 2017 was also filed by the State Government and the Karur Municipality as well as the District Collector seeking to review the order of the Division Bench dated 28.02.2017 made in W.P.(MD).No.3449 of 2017. That Review Application also was heard and dismissed by a Division Bench of this Court, by order, dated 03.01.2019. Therefore the order passed by the Division Bench dated 28.02.2017 in W.P.(MD).No.3449 of 2017 has become final, therefore the contempt petition in Cont.P.No.345 of 2018 filed by the said P.Saravanan was persuaded further, where status reports and affidavits have been filed on behalf of the State Government and ultimately the Secretary to Government, Municipal Administration and Water Supply Department had filed an affidavit on 08.01.2019 as to the steps taken by the Government in this regard.



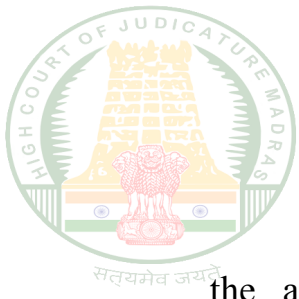
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3.26. Again an affidavit was filed on 09.01.2019 and Karur Municipality Commissioner also filed an additional affidavit on 09.01.2019 in the said Contempt Petition (MD).No.345 of 2018.

3.27. On 09.01.2019, the Division Bench in the said contempt petition in Cont.P.(MD).No. 345 of 2018 had given only two days time, to make the report with regard to compliance, to the Government and ultimately on 11.01.2019, the Principal Secretary to Government, Municipal Administration and Water Supply Department has filed an affidavit, where he has given a time schedule to complete the task of construction of the bus stand pursuant to G.O.Ms.No.87, according to whom, 18+6 months had been sought for, i.e., 2 years totally sought for to complete the project of new central bus stand for Karur Municipality at Thirumanilaiyur revenue village in the lands donated by the two individuals.

3.28. Recording the said stand taken by the Government as well as the Municipality, the Division Bench by its final order, dated 11.01.2019 closed the said Cont.P.(MD).No.345 of 2018 by recording the affidavit stating that

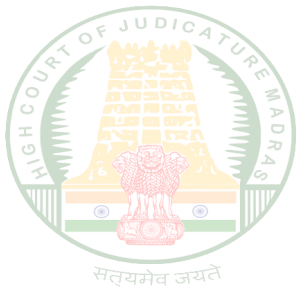


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the affidavit filed by the Principal Secretary to Government, dated 11.01.2019 clearly shows that the Government have taken a decision to establish a bus stand as indicated in the order in G.O.Ms.No.87, Municipal Administration and Water Supply Department, dated 20.06.2013. Therefore the court was informed by the Special Government Pleader that the period of two years for completion of construction would commence that day itself. By recording the said stand of the Government of Tamil Nadu as well as the Municipality, the said contempt petition was closed by the order of the Division Bench, dated 11.01.2019.

3.29. Thereafter the Government has come forward to issue a G.O in G.O.Ms.No.65, Municipal Administration and Water Supply Department, dated 27.05.2019, whereby the Government has directed the Karur Municipality to go ahead with the construction of the bus stand at the cost of Rs.47 Crores which the Municipality can take as a loan under the public private partnership mode from the Tamil Nadu Infrastructure Development Corporation.

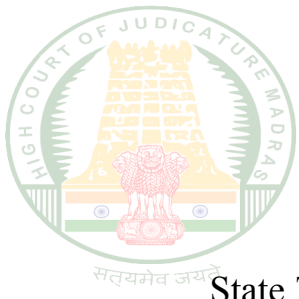


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3.30. In the meanwhile the said Nachimuthu and Senthil Prasath along with three others filed writ petition in W.P.(MD).No.22551 of 2019 seeking for a writ of mandamus to reconvey the lands donated by them to the Government for construction of bus stand for Karur Municipality as the project has not been still started of.

3.31. Thereafter on 16.11.2010, the District Collector has given enter upon permission for construction of refugee camp at Thoranakalpatti village. The Government thereafter has come forward to issue G.O.Ms.No. 15, Transport Department, dated 29.01.2021 permitting the Karur Municipality to construct an additional mofussil bus stand by accepting the proposal of the Managing Director of the Tamil Nadu State Transport Corporation, Kumbakonam Limited, thereby accorded necessary permission to float the tender and to proceed further with the construction of the additional mofussil bus stand with buildings for commercial complex at S.No.263 etc., at Thoranakalpatti village, karur taluk at a cost not exceeding Rs.40 Crores with their own funds by availing loan from the Tamil Nadu



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State Transport Finance Corporation Limited, without seeking any financial assistance from the Government.

3.32. Therefore first time there is a deviation from the Government, whereby the Tamil Nadu State Transport Corporation, Kumbakonam was permitted to construct an additional bus stand with commercial complex at Thoranakalpatti village by securing a loan not more than Rs.40 Crores from the Tamil Nadu State Transport Finance Corporation Ltd., without seeking any aid from the Government.

3.33. Subsequently a writ petition has been filed in W.P.(MD).No. 3854 of 2021 by one A.Sambooranathammal seeking for a writ of mandamus directing the respondents therein to issue suitable directions to the sixth respondent therein i.e., Karur Municipality and other upstream land owners to construct or dig, restore and maintain the field bothies in the lands comprised in S.F.Nos.95 etc., at Thirumanilaiyur village, Karur Taluk, thereby restore the field bothies, which were in existence and which were supplying waters of Amaravathi Project through Thirumanilaiyur Raja



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Vaikkal, to irrigate the land of the petitioner and other agricultural lands by considering her representation, dated 08.01.2021.

3.34. The Government also had come forward to issue yet another G.O in G.O.Ms.No.16, Animal Husbandry, Dairying and Fisheries (AH2) Department dated 03.02.2021, whereby the Government has permitted the District Collector to alienate the land at Thoranakalpatti village to the Tamil Nadu State Transport Corporation Limited for construction of additional bus stand and issue orders accordingly.

3.35. Thereafter a writ petition in W.P.(MD).No.9567 of 2021 filed by one P.Kumaresan against the State of Tamil Nadu, Transport Department and Transport Corporation, was disposed by a Division Bench of this Court, by order, dated 26.05.2021, where a direction was given to the respondents therein to proceed with the tender process for the construction of additional moffusil bus stand for Karur town based on the earlier orders passed in this regard.

3.36. Thereafter the Government has come forward to issue a G.O. in



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G.O.Ms.No.20, Municipal Administration and Water Supply (MA.IV) Department, dated 25.01.2022, under which, administrative and financial sanction had been made allotting funds for construction of bus stands at various places in the State of Tamil Nadu which includes Karur, for which Rs.62.50 Crores had been sanctioned by the Government through the said G.O.(Ms).No.20, dated 25.01.2022.

3.37. Yet another writ petition was filed by the said P.Kumaresan in W.P.(MD).No.15259 of 2022, where an interim order has been passed by a Division Bench of this Court, by order, dated 18.07.2022, where it has been observed that, with regard to the land at Thoranakalpatti village, since is a land belongs to the Government, therefore it is a policy decision of the Government to put up refugee camp through out the State of Tamil Nadu as it is obvious that refugees from neighbouring countries are fleeing to India and they have to be accommodated on humanitarian grounds. When the Transport Corporation pleaded financial crunch, the Court cannot sit in judgment over their assessment and direct them to construct additional bus stand implementing G.O.Ms.Nos.15 and 16. Similarly, the Court also cannot



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interdict the Government from constructing a refugee camp at the land belonging to them as it is their policy decision.

3.38. The Court has further held that, however technically speaking when G.O.Ms.No.15 and 16 are still alive, the construction of a refugee camp in the same survey numbers may fall foul of the order of the Governor. Therefore it is always open to the Government to withdraw G.O.Ms.No.15 and 16 and pass a fresh G.O. for the construction of a refugee camp in the same survey numbers.

3.39. This was the interim order passed by the Division Bench. Subsequently, another writ petition in W.P.(MD).No.16884 of 2022 filed by one S.Sathish came up for consideration before the same Division Bench, where an interim order of injunction restraining the respondents therein, including the newly impleaded eighth respondent from proceeding with the further construction has been made. Thereafter on 03.08.2022, the Commissioner, Karur Municipality had sent a communication to the DRO stating that, at various survey numbers in Thirumanilaiyur where the proposed bus stand is going to be located it does not have any field bothies



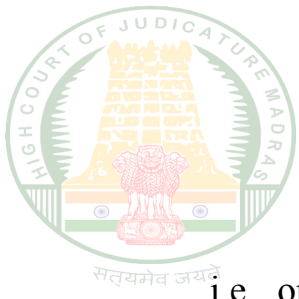
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and there has been no Raja Vaikal or branch of Raja Vaikal available in that land.

3.40. Thereafter the Government has come forward to issue G.O.Ms.No.78, Transport (B.2) Department, dated 06.08.2022 cancelling the G.O.Ms.No.15, Transport (B.2) Department, dated 29.01.2021, that means the necessary permission accorded to the Managing Director, Tamil Nadu State Transport Corporation, Kumbakonam Limited to float tender and to proceed further with the construction of additional mofussil bus stand and commercial buildings at S.No.263 etc., at Thoranakalpatti village has been withdrawn. Therefore there has been no G.O., in the name of G.O.Ms.No.15 to give permission to the Managing Director of the Tamil Nadu State Transport Corporation to go ahead with the construction of additional moffusil bus stand at Thoranakalpatti village.

3.41. Thereafter one individual claimed to be an agriculturist namely S.Thangavelraj by a registered sale deed, dated 23.08.2022 has purchased a land to an extent of 1.10 acres at Thirumanilaiyur village. On the next day,

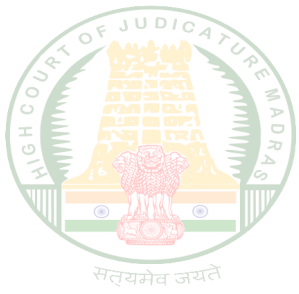


W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024, W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

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i.e., on 24.08.2022, the said Thangavelraj has given a representation to the Commissioner of Municipal Administration, District Collector, Karur and the Karur Municipal Commissioner, raising objection for the establishment of the new central bus stand at Thirumanilaiyur village, Karur on the ground that, the irrigation channels, i.e., bothies would get affected, thereby the water sources for the agricultural land of him and others would get affected and therefore, he raised objection.

3.42. In the meanwhile, the order passed by the Division Bench, dated 18.07.2022 in W.P.(MD).No.15259 of 2022 giving liberty to the Government to withdraw the G.O.Ms.No.15 and 16 and to pass a fresh G.O. for the construction of refugee camp in the said survey numbers at Thoranakalpatti village was appealed to the Supreme Court by the said P.Kumaresan by filing Special Leave Petition in S.L.P.(C).No.13064 of 2022, which was withdrawn by him and therefore the Hon'ble Supreme Court by order, dated 09.09.2022 dismissed the said S.L.P as withdrawn.

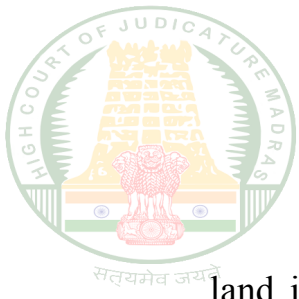


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3.43. Subsequently on 30.09.2022, the Government has come forward to issue G.O.Ms.No.113, whereby the G.O.Ms.No.16, Animal Husbandry, Dairying, Fisheries and Fishermen Welfare (AH2) Department, dated 03.02.2021 has been cancelled, as by G.O.Ms.No.16, the Government had issued no objection certificate for alienation of land in S.No.265/1 to an extent of 2.45 hectares out of the total extent of 3.29 hectares classified as Mandhaiveli Poramboke at Thoranakalpatti village, Karur District to and in favour of Tamil Nadu State Transport Corporation, Kumbakonam for construction of additional bus stand.

3.44. Therefore, G.O.Ms.No.15 as well as G.O.Ms.No.16 since has been cancelled or withdrawn by the subsequent G.Os. Thereafter the said S.Thangavelraj had approached the National Green Tribunal, Southern Zone by filing Original Application in O.A.No.132 of 2022 seeking for a declaration that the construction of a new bus stand at Thirumanilaiyur village, Karur District as illegal and unauthorised, therefore a direction was sought for from the National Green Tribunal, Southern Zone to the respondents 2 to 6 in the said Original Application to stop forthwith the construction of the bus stand on the grounds that, the lands are agricultural



W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024, W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

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land in nature, as they are classified as nanjai besides, there are common water channels which are sub-channels of Raja Vaikal which bisect the above said lands which are also marked as common water drainage channel in the village map.

3.45. The said Original Application in O.A.No.132 of 2022 was ultimately disposed by the National Green Tribunal, Southern Zone, Chennai by its order, dated 23.03.2023, whereby the Karur Municipality was directed to get appropriate approval for change in alignment for the field bothies as per the Tamil Nadu Irrigation Works (Construction of Field Bothies) Act, 1959. Till such time, such approval is obtained, the Karur Municipality was directed to suspend the work in the areas where the field bothies / channels exist as well as areas where the diversion is proposed. In fact a cost of Rs.25 lakhs also was awarded in favour of the petitioner against the Karur Municipality.

3.46. The Karur Municipal Corporation challenging the said order passed by the National Green Tribunal, Southern Zone in O.A.No.132 of



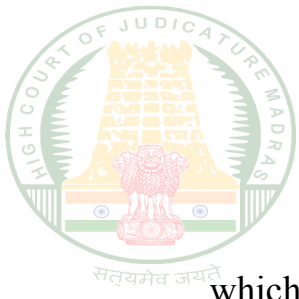
W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024, W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

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2022 filed writ petition in W.P.(MD).No.9887 of 2023, where a Division Bench of this Court, by order dated 25.04.2023 has granted an interim order of stay of the order of the National Green Tribunal, Southern Zone, dated 23.03.2023 awarding cost against the Karur Municipal Corporation by imposing a cost of Rs.25 lakhs.

3.47. W.P.(MD).No.9123 of 2023 was filed by one Saravanan seeking for a mandamus forbearing the Karur Municipality for effecting any construction development in the lands at various Survey Numbers in Thirumanilaiyur Revenue village, Karur and also seeking direction to remove the illegal construction already been made in those lands. A Division Bench of this Court by order, dated 28.04.2023 has granted an interim order of injunction restraining the Karur Municipality from proceeding with the construction of the bus stand until further orders at Thirumanilaiyur village.

3.48. As against the order passed by the National Green Tribunal, Southern Zone, dated 23.03.2023, the said Thangavelraj had filed a SLP,



W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024, W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

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which has been converted into Civil Appeal Diary No.43059 of 2023 which was dismissed as no ground was found by the Hon'ble Supreme Court interfering with the orders passed by the National Green Tribunal, Southern Zone.

3.49. On 17.07.2014, the Govt. of Tamil Nadu, Housing and Urban Development Department had already issued a Government Order in G.O. (2D) No.76, dated 17.07.2014, whereby the conversion of the land from agricultural zone into commercial zone at various survey numbers in Thirumanilaiyur village had been permitted, accordingly, the conversion seems to have been taken place. Though this G.O was issued in 2014, now a writ petition also has been filed in W.P.(MD).No.7408 of 2024 by one C.Saravanan challenging the G.O.Ms.No.76, dated 17.07.2014.

3.50. Also a writ petition was filed in W.P.(MD).No.14444 of 2023 by the said Thangavelraj seeking a relief of mandamus to the Commissioner of Land Administration as well as the District Collector, Karur to give a personal hearing to the writ petitioner while considering the approval of



W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024, W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

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proposed alignment of field bothies at Thirumanilaiyur revenue village, Karur. The said writ petition was dismissed by a learned Judge of this Court by order, dated 20.06.2023 stating the reason that pursuant to the order passed by the National Green Tribunal in O.A.No.132 of 2022, the Tamil Nadu Government through the Municipal Administration Department would take necessary steps to comply the direction given by the National Green Tribunal in O.A.No.132 of 2022.

3.51. When that being so, this Court cannot have a parallel proceedings in the writ jurisdiction, therefore, on that ground, the said mandamus sought for by Thangavelraj in W.P.(MD).No.14444 of 2023 was dismissed by order, dated 20.06.2023 by the learned single Judge of this Court. Aggrieved over the same, the said Thangavelraj filed Intra Court Appeal in W.A.(MD).No.1325 of 2023. This Writ Appeal also is tagged along with this batch of cases.

3.52. That apart, the said P.Saravanan filed yet another Contempt Petition in Cont.P.(MD).No.1352 of 2020 in Cont.P.(MD).No.345 of 2018



W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024, W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

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as within the two years period as undertook by the State Government and Karur Municipality, the construction of bus stand was not completed, pursuant to G.O.Ms.No.87 as well as the order passed by the Division Bench already in W.P.(MD).No. 3449 of 2017 and therefore that contempt petition in Cont.P.(MD).No.1352 of 2020 also has been tagged along with this batch of cases.

3.53. Subsequently in order to comply the orders passed by the National Green Tribunal, whereby permission has to be obtained from the State Government for altering the field bothies for the purpose of construction of new bus stand at Thirumanilaiyur village, as per the request of the municipality, the Government has come forward to issue G.O in G.O.Ms.No.550, Revenue Department, dated 09.11.2023, whereby the State Government has given such a permission to the District Revenue Authorities for altering the field bothies in the land in question where the proposed construction of the new bus stand has been fixed at Thirumanilaiyur revenue village, Karur Taluk and District. This



W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024,
W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

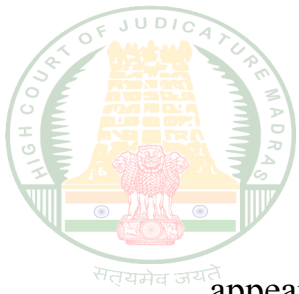
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G.O.Ms.No.550, dated 09.11.2023 has been now challenged. This is how all these writ petitions and other litigations have come up before this Court for the combined hearing and disposal through this common order. This is the second part of the factual matrix of these cases.

Arguments of learned counsel appearing on either side :

4. Number of counsel appeared for the petitioners / appellants and the law officers including the learned Advocate General and Additional Advocate Generals and Senior Counsels and Special Counsel for Government as well as the Municipality appeared on the other side made elaborate submissions for several days.

5. The submissions are in two aspects, in the first aspect, those who are opposing the proposed construction of integrated central bus stand for Karur Municipality at Thirumanilaiyur village made submissions opposing the move of the Government as well as the Municipality. In the second aspect, both private counsels as well as the Government Law Officers including the Advocate General and Additional Advocate Generals



W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024, W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

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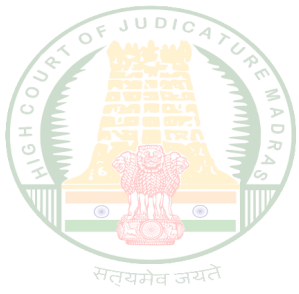
appearing for the State have made submissions in support of the move of the State Government as well as Karur Municipality to construct the integrated central bus stand for Karur Municipality at Thirumanilaiyur village.

6. Therefore one set of arguments were opposing the construction of bus stand at Thirumanilaiyur, other set of arguments were in support of such construction. The learned counsels who made submissions opposing the proposed construction of the bus stand at Thirumanilaiyur village broadly made the following submissions :

(i) That the Government and the Karur Municipality originally selected the place at Thoranakalpatti village, therefore bus stand should be constructed in that place only.

(ii) The said Thoranakalpatti land is a Government Poramboke land where the Government or the Municipality would not have any financial commitment for acquiring or purchasing of land.

(iii) The Government already issued orders to



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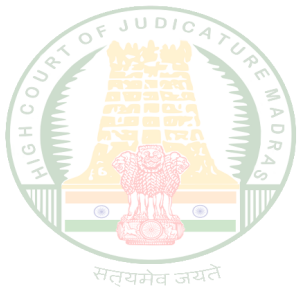
W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024, W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

establish a mofussil bus stand by the Tamil Nadu State Transport Corporation, Kumbakonam Division at Thoranakalpatti village, where G.O.Ms.No.15 and 16 were issued. While that being so, the Government cannot change their stand without any plausible reason.

(iv) Insofar as Thirumanilaiyur location is concerned, it is an agricultural land, where there has been an irrigation from Amaravathi Dam. When that being so, such an agricultural land cannot be easily converted into a commercial land without following the norms.

(v) Before such a conversion being taken place of an agricultural land into a commercial one, the affected agriculturists have not been heard, without their consent, such a conversion would not be possible.

(vi) Field bothies are very much available in the proposed land, where, from main canal, i.e., Raja Vaikal, water is flowing, therefore before changing the location



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and flow of field bothies, the provisions of the Tamil Nadu Irrigation Works (Construction of Field Bothies) Act, 1959 ought to have been scrupulously followed.

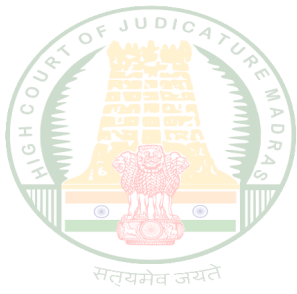
(vii) In this context, the mandatory direction issued by the National Green Tribunal, Southern Zone in O.A.No.132 of 2022 has not been fulfilled.

(viii) The G.O.Ms.No.550, dated 09.11.2023 issued in this regard by the State Government for conversion of field bothies are not inconsonance with the provisions of the 1959 Act.

(ix) Merely by issuance of G.O.Ms.No.550, dated 09.11.2023, the Government cannot change the alignment of the field bothies as the G.O. cannot supersede in the provisions of the Act.

(x) Section 7 of the 1959 Act forbid for any obstruction or interference with water flowing in field bothies.

(xi) If by virtue of G.O.Ms.No.550, the Government



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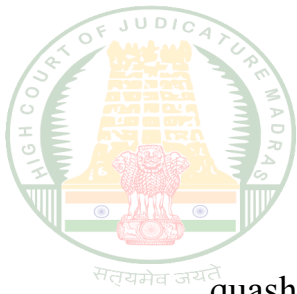
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changes the alignment of field bothies, which will go against the Act, therefore such a move made by issuance of G.O.Ms.No.550 is liable to be set aside.

(xii) Before establishing a integrated bus stand, certain provisions of the Motor Vehicles Act ought to have been complied with, which, according to them, have not been complied with.

(xiii) Assuming that the earlier G.O.Ms.No.87 having been confirmed by the Division Bench Judgment, dated 28.04.2014, they cannot operate as a resjudicata or constructive resjudicata against the writ petitioners and appellant as such a proposition may not be available in the writ jurisdiction.

7. Broadly making all these arguments, the learned counsel opposed the move of the Government as well as the Karur Municipality to construct the integrated central bus stand at Thirumanilaiyur, thereby they sought for



W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024, W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

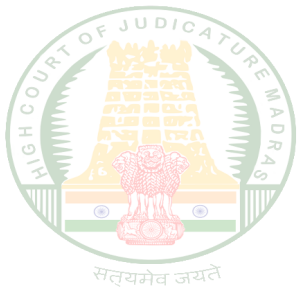
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quashment of G.O.Ms.No.76 as well as G.O.Ms.No.550 and to allow the respective writ petitions which they have filed in support of their cases.

8. On the other hand, opposing the said submissions made on behalf of the petitioners and appellants, the learned Advocate General as well as learned Additional Advocate Generals and learned Senior Counsels appearing for the Karur Municipality and some of the private counsels who supported the move of the Government and Karur Municipality to construct the bus stand at Thirumanilaiyur village have broadly made the following submissions :

(i) First of all, whether a bus stand is to be constructed in order to cater the needs of the people is a policy decision to be taken by the Government and once such a policy decision is taken, that cannot be easily questioned unless it goes against the provisions of the statutes which governs the field.

(ii) Like that, selection of a location for construction of public utility services like bus stand by taking into



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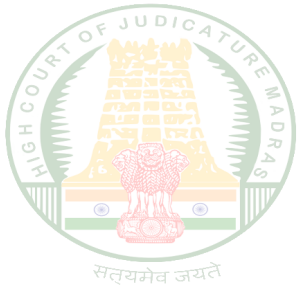
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consideration of all aspects is again a policy decision to be taken by the Government in consultation with the stakeholders especially the local bodies, here, it is Karur Municipality and therefore such a policy decision cannot be questioned by the individuals without any plausible reason.

(iii) Insofar as the location of the proposed bus stand at Thirumanilaiyur is concerned, that issue has been given a complete quietus, because of the Judgment made by the Division Bench of this Court, dated 28.04.2014 made in W.P. (MD).No.1881 of 2013 etc., batch, where the G.O.Ms.No.87, dated 20.06.2013 issued by the Government has been upheld.

(iv) As against the said decision of the Division Bench, dated 28.04.2014, Special Leave Petition was filed which was dismissed as withdrawn, thereby a finality has been attained on the issue with regard to the location of the proposed bus stand.

(v) Insofar as the construction of the bus stand at Thirumanilaiyur is concerned, land has been donated by two



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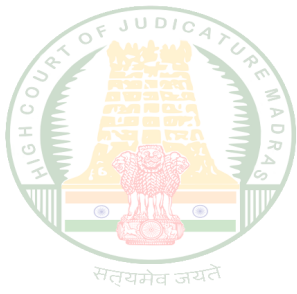


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individuals at free of cost, therefore no financial commitment would arise for the State Government or Municipality.

(vi) Since the land donated by the two individuals is more than 12 acres, it is more than sufficient for the proposed construction of the bus stand and also for future expansion.

(vii) With regard to the conversion of land from agricultural zone to commercial zone, more than two times inspection had been undertaken by the revenue authorities and based on the report submitted by them, the Government in consultation with the stakeholders including the Department of Town Planning as well as the Municipality has come forward to issue G.O.Ms.No.76, granting permission for such conversion. Therefore in this regard, since there has been no procedural violation in taking steps to conversion of the land, such a conversion having been taken place in the year 2014 cannot be questioned without any reason substantiated by the petitioners.



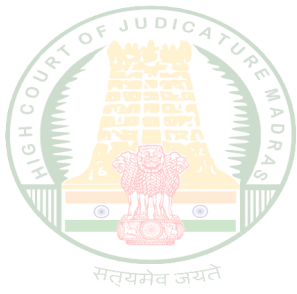
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(viii) Insofar as the direction that has been given by the National Green Tribunal to comply with the provisions of the 1959 Act, steps had been taken by the State Government by issuing G.O.Ms.No.550 of the Revenue Department, dated 09.11.2023.

(ix) Before issuance of G.O.Ms.No.550, G.O.Ms.No.87 and G.O.Ms.No.20, Municipal Administration and Water Supply Department was taken into account and as per the proceedings which has been read in the G.O.Ms.No.550, the Water Resources Department Executive Officer's letter, dated 27.01.2023, Assistant Director and P.A., to District Collector (Land Survey) letter, dated 03.03.2023, the DRO, Karur letter, dated 06.03.2023, National Green Tribunal's Order, dated 23.03.2023, Order passed by this Court in W.P. (MD).No.9887 of 2023, dated 25.04.2023, the letter of the District Collector, dated 08.05.2023 and 25.07.2023, the Commissioner of Land Administration's letter, dated 17.05.2023, Chief Engineer, Water Resources Department,



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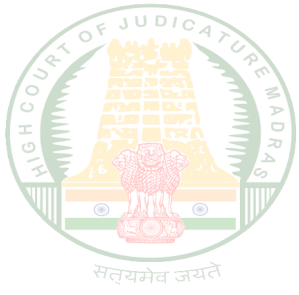
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Coimbatore, Region letter, dated 10.06.2023 and Director of Municipal Administration's letter dated 11.08.2023 have all been taken into account. Therefore the G.O.Ms.No.550 was issued, according to the learned counsels, after thorough consultation and discussion with all stakeholders, therefore such a G.O cannot be said to be infirm on any aspect.

8. By making all these rival submissions, the learned counsel appearing for both sides have pressed for the prayer sought for in the writ petitions or otherwise.

Discussion :

9. We have heard the arguments and counter arguments at length from the learned counsel appearing on either side and have perused the materials placed before this Court. We have given our anxious consideration to the arguments advanced by the learned counsels as well as the materials which were placed before this Court for our perusal.

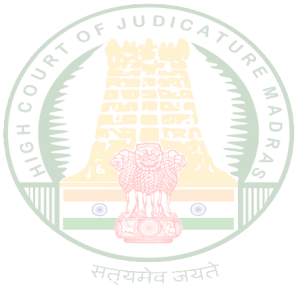


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10. The first issue to be decided is as to whether the Government as well as the Karur Municipality's move to construct the bus stand at Thirumanilaiyur would be a valid move insofar as the selection of the location is concerned. In this context, there has been no conflict with regard to the fact that, the existing bus stand within the Karur Municipality, i.e., old bus stand, was established long years ago and the number of vehicles (buses) to be stationed in the existing bus stand is only about 50 and Karur being a very vast municipality subsequently been upgraded as Municipal Corporation has been in dire need of having an expanded integrated central bus terminus to cater the need of the people of Karur.

11. Though initially a proposal was made to construct the bus stand at various survey numbers in Thoranakalpatti village which is a Government Poramboke land, the proposal was rejected by the Karur Municipality. Thereafter as directed by the Government through the Commissioner of Municipal Administration, proposals were sought for from various people including Philanthropists who wanted to donate the lands free of cost for the purpose of establishing the bus stand.



W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024, W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

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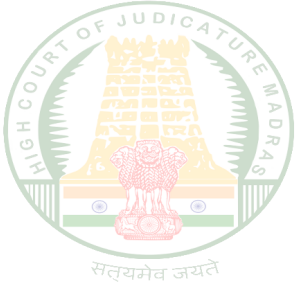
12. In response to the same, two individuals had come forward to donate the land to the extent of 12 acres at Thirumanilaiyur village.

13. These proposals submitted by the two individuals infact had been considered in a meeting where all stakeholders participated. On 27.12.2012, it was decided to accept the offer made by the two individuals favourably.

14. On the next day, it was placed before the Municipal Council Meeting of the Karur Municipality, where, on 28.12.2012 by Resolution No. 1079, the Municipal Council decided to accept the offer made by the two individuals namely M.Nachimuthu and N.Senthil Prasath, as the resolution was carried by majority of 47 out of 48 members.

15. The relevant portion of the Resolution reads thus :

"எனவே மேற்படி இரண்டு இடங்களின் சாதக, பாதக அம்சங்களை கவனமாக பரிசீலனை செய்ததில் திரு.என்.நாச்சிமுத்து, திரு.என்.செந்தில்பிரசாத், அட்லஸ் டெக்டைல்ஸ் எக்ஸ்போர்ட் பிரைவேட் லிமிடெட், மேனேஜிங் பார்ட்னர், ஆகியோர் கருப்பம்பாளையம் கிராம ஊராட்சிக்குட்பட்ட திருமாநிலையூர் கிராமம் புல

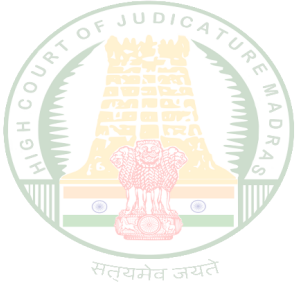


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W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024, W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

எண்கள், 95, 97, 98, 115, 116, 118, 119, 120, 121, 122/1, 122/2, 123, 124, 125, 145, 146, 147, 148, 149, 150, 151, 152, 155, 156, 157, 158, 159, 162, 163, 167, 170, 171 மற்றும் 186ல் பேருந்து நிலையம் அமைக்க தேவையான இடம், அரவக்குறிச்சி சாலையிலிருந்து பேருந்து நிலையத்தை அடைய தேவையான 80 அடி அகல 770 அடி நீள சாலைக்கான இடம் மற்றும் பேருந்து நிலையத்தை சுற்றி அமைக்க வேண்டும் என கருதப்படும் 50 அடி அகல சாலைக்கான இடம், ஈசநத்தம் சாலை மற்றும் ராயனூர் சாலைக்கு இணைப்பு ஏற்படுத்தும் வகையில் உத்தேசிக்கப்பட்டுள்ள 50 அடி அகல சாலைக்கான இடம் ஆகியவற்றை வரைபடத்தின்படி தானமாக அளிக்க முன்வந்துள்ள இடம் கருப்பம்பாளையம் ஊராட்சி எல்லைக்குள் அமைந்திருந்தாலும், கரூர் நகராட்சியின் எல்லையினை ஒட்டி அமைந்துள்ளதாலும், இந்த இடத்தினை தாண்டி கரூர் நகராட்சிக்குட்பட்ட தோரணக்கல்பட்டி கிராமம் அமைந்துள்ளதாலும், இப்பகுதியில் அதிக வளர்ச்சி ஏற்பட வாய்ப்பு உள்ளது என்ற விபரங்களை கருத்தில் கொண்டு கரூர் மாவட்ட ஆட்சியர் அவர்கள், சென்னை நகராட்சி



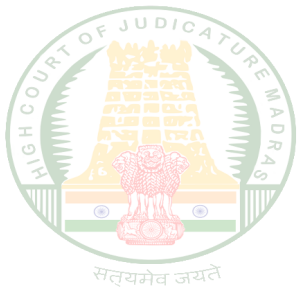
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நிர்வாக ஆணையர் அவர்கள் மற்றும் அரசின்
ஒப்புதல் பெற்று இந்த இடத்தில் புதிய புறநகர்
பேருந்து நிலையம் அமைக்கலாம்
என இந்நகர்மன்றம் தீர்மானிக்கிறது.
கூட்டத்தில் கலந்து கொண்ட 48 நகர்மன்ற
உறுப்பினர்களில் வார்டு எண் 42 நகர்மன்ற
உறுப்பினர்கள் தவிர 47 நகர்மன்ற
உறுப்பினர்கள் ஆதரவு தெரிவித்து தீர்மானம்
ஏகமனதாக நிறைவேற்றப்பட்டது."

16. Pursuant to the said Resolution adopted by the Karur Municipality, it was communicated to the Commissioner of Municipal Administration who in turn had issued a publication in the newspaper on 07.11.2013 containing the Request For Proposal (RFP) for invitation of consulting services for appointment of consultant for preparation of DRP for establishment of integrated central bus stand for Karur Municipality. This RFP, dated 07.11.2013 was questioned by one R.Ekambaram who was the lone member who opposed the move before the Municipality at the time the resolution was passed on 28.12.2012, in W.P.(MD).No.18881 of 2013.



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17. Subsequently the Government had come forward to issue G.O.Ms.No.87, Municipal Administration and Water Supply Department, dated 20.06.2013 granting approval under Section 152 of the District Municipalities Act permitting the Karur Municipality to undertake a work of integrated bus stand at the place accepted by the Municipal Council, i.e., at Thirumanilaiyur. This G.O.Ms.No.87 also was challenged by the said Ekambaram in W.P.(MD).No.14749 of 2013. For the same relief, three more writ petitions in the name of Public Interest Litigation had been filed. All these writ petitions were heard together and disposed by a comprehensive Division Bench Judgment dated 28.04.2014.

18. In the said Judgment, the past history starting from 2006, where the long felt need of having integrated central bus stand for Karur Municipality was emanated with effect from the proposal of the District Collector, Karur dated 28.01.2006, had been traced.

19. The learned Judges of the Division bench had met each and every contention raised on behalf of the petitioners to oppose the move of the



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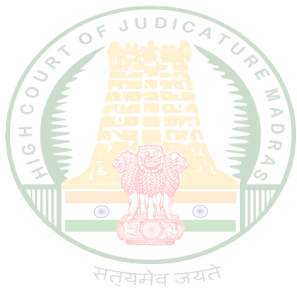
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proposed bus stand to be established at Thirumanilaiyur by giving permission to the Karur Municipality under Section 152(2) of the District Municipalities Act.

20. Ultimately the Division Bench has concluded that, all those writ petitions were deserved to be dismissed and two such writ petitions filed by the Councillor Ekambaram were dismissed in fact with a cost of Rs.20,000/- The conclusion portion of the said Judgment, dated 28.04.2014 upholding the validity of G.O.Ms.No.87 by an earlier Division Bench of this Court is extracted hereunder for easy reference :

"Conclusion

54. In S.Venkatesan vs. Government of Tamil Nadu and others (2009) 4 L.W.459, a batch of writ petitions were filed, purportedly in public interest, for a writ of declaration to declare the resolution of the Tindivanam Municipality for the establishment of a new bus-stand in a particular area in Tindivanam, as contrary to law. One of the main objections taken in those writ petitions was that the land in which the bus-stand was proposed to be



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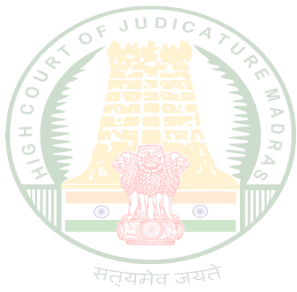


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located, was a water body and that therefore the provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachments Act, 2007 would apply. In paragraph 34 of its decision, a Division bench of this Court held that the final decision as to where the bus-stand is to be located is to be left with the Government to decide. The Bench also pointed out in paragraph 40 that it cannot substitute its views over that of the Government.

55. When the very Government Order granting permission for locating Tindivanam Bus-stand in a land purported to be a water body came to be challenged in another writ petition by the same person, another Division Bench of this court rejected the challenge in *S.Venkatesan vs. Government of Tamil Nadu and others* (2011) Writ L.R. 404. The rejection was on the basis that the Government had undertaken to deepen the lake and also increase the tank bund to ensure the retention of the full capacity. But, this was done by the Division Bench in view of the admitted position that the bus-stand was sought to be located in a lake. Such a contingency has not arisen in the case on hand.

56. In *Union of India vs. Government of Tamil Nadu*, decided on 22.04.2013 in W.A.No.572 of 2013, a Division bench of this Court took a survey of all the



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decisions of the Supreme Court on the scope of the power of this Court for judicial review of policy decisions and summarised the position in paragraph 61 as follows :

61. From the aforesaid decisions of the Hon'ble Supreme Court, the following principles emerge as to when the Courts can interfere in a policy decision :

"I. If the policy fails to satisfy the test of reasonableness, it would be unconstitutional.

II. The change in policy must be made fairly and should not give the impression that it was so done arbitrarily on any ulterior intention.

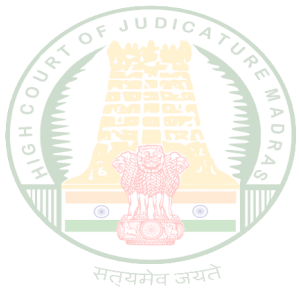
III. The policy can be faulted on grounds of mala fides, unreasonableness, arbitrariness or unfairness, etc.

IV. The policy is found to be against any statute or the constitution or runs counter to the philosophy behind these provisions.

V. It is dehors the provisions of the Act or legislations.

VI. If the delegate has acted beyond its power of delegation.

VII. If the policy is against public interest or does not sub-serve public interest, public purpose and public good."



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The case on hand does not fall under any one of the above categories. Therefore, the writ petitions are liable to be dismissed."

57. In normal circumstances, we would have dismissed the writ petitions without imposing costs. But in this case, we are constrained to impose costs upon the petitioner R.Eakamparam (W.P.(MD)Nos.18881 and 19749 of 2013), for the simple reason that after having suffered a defeat in the meeting of the council on 28.12.2012, he had made use of this court to annul the effect of resolution passed by an overwhelming majority of 47:1. Therefore, he is directed to pay costs to the Karur Municipality to the tune of Rs.20,000/- (Rupees twenty thousand only).

58. Therefore, in fine, the writ petitions W.P.(MD).Nos. 18881 and 19749 of 2013 are dismissed with costs of Rs. 20,000/-. The other writ petitions are dismissed without any order as to costs. Connected miscellaneous petitions are closed."

21. As against the said Order, dated 28.04.2014 by the Division bench of this Court, the said R.Ekambaram preferred Special Leave Petition (Civil) Nos.20706, 20707 of 2014 which came to be dismissed as



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withdrawn by the order of the Hon'ble Supreme Court, dated 19.08.2014.

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The relevant portion of the order of the Hon'ble Supreme Court reads thus :

"Learned counsel for the petitioner seeks leave to withdrawn the special leave petitions.

Permission granted. The special leave petitions accordingly dismissed as withdrawn."

22. Therefore a complete quietus has been given to the issue as to whether the proposed integrated central bus stand for Karur Municipality can be established at 12 acres of lands donated by two individuals at Thirumanilaiyur village or not.

23. When that being the legal position, where the G.O.Ms.No.87 issued by the Government giving such permission under Section 152 of the District Municipalities Act having been considered and upheld by the Division Bench of this Court, against which the Special Leave Petition filed by the writ petitioner was dismissed as withdrawn, by thus a quietus has been given. Once again the very same issue is agitated of course in a different footing to state that the land in question at Thirumanilaiyur village

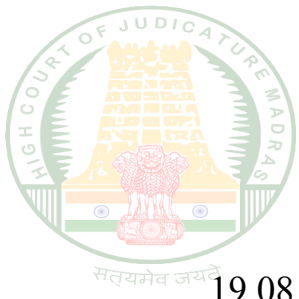


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was originally the agricultural land subsequently has been converted into a commercial zone and such a conversion could not be possible. Also on the ground that there has been field bothies available which supplies water form Amaravathi River / Dam and if these field bothies are destroyed in the name of relocation the agricultural lands would get affected and such a conversion of field bothies whether could be possibly made by the District Collector without getting the concurrence of the Government. If that being so, whether the land in question at Thirumanilaiyur can be still be considered as suitable land for the purpose of establishing the integrated new central bus stand for Karur Municipality is the present question which have been raised on behalf of the petitioners.

24. Though certain grounds have been raised by quoting the provisions of the Field Bothies Act, 1959 and also questioning the 2014 G.O., i.e., G.O.Ms.No.76 for converting the land from agricultural zone to commercial zone, whether the conclusion reached by the Division Bench of this Court, by order dated 28.04.2014 made in W.P.(MD).No.18881 of 2013 et., batch as confirmed by the Hon'ble Supreme Court by virtue of the dismissal of Special Leave Petition by withdrawal of order dated



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19.08.2014, can be re agitated by the petitioners is yet another question.

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25. In this context, the main opposition came from the learned Advocate General, learned Additional Advocate Generals and other counsels supporting the move of the Government and the Karur Municipality is that, absolutely there has been a constructive resjudicata that would apply to the present case, where the issue since has already been given a quietus between the parties, the very same issue cannot once again be raised, of course by raising some other grounds and therefore on the ground of resjudicata, the challenge against G.O.Ms.No.550 would go, is the main contention on behalf of the Government as well as the Municipality.

26. In this context, even though it was contended by the learned counsels appearing for the petitioners that, such a theory of resjudicata would not be made applicable in writ proceedings and in this context, they made submissions to state that legal ground can be raised at any point of time especially in the context of the right which is flowing from the provisions of the statute and therefore on that ground if the location is



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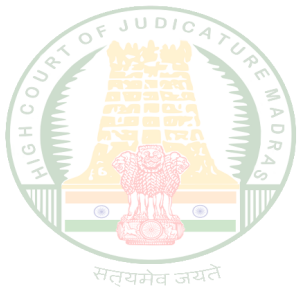
questioned, the same cannot be treated as hit by the doctrine of resjudicata.

Whether such a defence taken by the petitioners side can be accepted by this Court is yet another question to be answered.

27. In order to delve into the aforesaid questions and the issues involved in this batch of cases, we further move on to take up the provisions of the 1959 Act, the orders passed by the Division Bench, by order, 28.04.2014, the power of the State Government under Article 162 to issue Executive Orders. If it is needed in the administration of the State and also factually whether such kind of field bothies had been found in the land in question and assuming that those field bothies are found whether the proposed alteration to be undertaken by the Revenue Administration of the District concerned are inconsonance with the provisions of 1959 Act or not are to be considered.

28. First let us take the provisions of 1959 Act. In Section 2(c), the field bothies has been defined as follows :

"(c) 'field bothies' means small channels which



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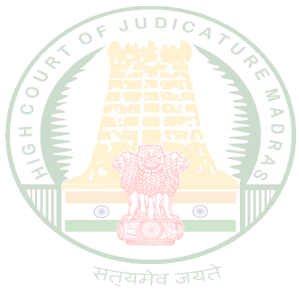
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run from outlets in the Government channels and which convey and distribute water to individual fields."

29. Sections 3 and 4 speaks about the role of the District Collector as well as the owner of the land for construction and digging of field bothies which reads thus :

"3. If the Collector is satisfied that it is necessary or expedient that any owner should construct or dig field bothies in his land in the ayacut of an irrigation work, he shall by notice require the owner to construct or dig field bothies in that land within such time as may be specified in the notice and in such manner as may be prescribed.

4. If the owner fails to construct or dig field bothies in his land as required in the notice and in the manner prescribed under section 3, the Collector may, after giving the owner a reasonable opportunity of being heard, make an order excluding such land from the ayacut of the irrigation work concerned."



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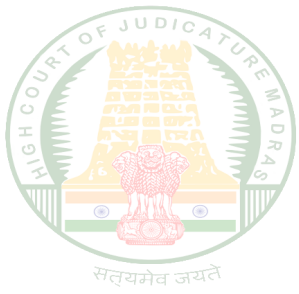
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30. Section 7 says the following :

"7.(1) No person shall, except in accordance with such rules as may be prescribed, do anything which obstructs or interfered or is likely to obstruct or interfere with the flow of water in any field bothy.

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both."

31. Having taken note of these provisions of the 1959 Act, when the issue was raised before the National Green Tribunal, Southern Zone, it has given a detailed discussion about the provisions of this Act and how it should be applied to the present issue and ultimately has come to the conclusion that, without getting proper approval from the Government, the change of field bothies cannot be undertaken, therefore a direction also has been given by the National Green Tribunal, Southern Zone by its order dated 23.03.2023 to get such a permission from the Government.



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32. The relevant portion of the order passed by the National Green Tribunal, Southern Zone are extracted hereunder for ready reference :

"25. In this regard, the Tamil Nadu, Irrigation Works (Construction of Field Bothies) Act, 1959 can also usefully be looked into. The said act is provide for the construction or digging of field bothies by the Government and by owners of land entitled to irrigation under certain irrigation works in the State of Tamil Nadu. The owners of the land are entitled to irrigation under certain irrigation works by these field bothies. Field bothies means small channels which run from outlets in the Government channels and which convey and distribute water to individual fields. The said act also prohibits any obstruction or interference with water flowing in field bothies. While hearing the matter, the Learned Counsel appearing for the State also wanted to file the mitigation measures to be taken for the above project as the same is obliterating the field bothies.

26. In this regard a joint inspection of the proposed bus stand site at Thirumanilaiyur dated 27.01.2023 but filed on 08.02.2023 may be usefully referred to. The District Collector had instructed the Executive Engineer, WRD, Amaravathi Basin Division, Dharapuram, Municipal Engineer, Karuar Corporation and Joint Director of Agriculture, Karur District to have a joint Inspection and study the condition of the existing field bothies and to submit a feasibility report



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for the proposed change in alignment of field bothies along the boundaries of bus stand and site to supply Water for irrigation to the downstream side fields.

27. A Joint Inspection was taken up 25.01.2023. During the inspection, the Municipal Engineer, Karur Corporation has informed that the proposed bus stand site there are field bothies (Kavur Vaikkal) are running in S.F. Nos, 247P, 248P 116P, 114P, 113P, 152P,151P, 149P, 148P and 146P. A sketch showing the field bothies which are running west to east direction inside the bus stand building is also furnished. It is stated that these field bothies are required to be changed for its alignment as had been indicated in the sketch to irrigate the fields in downstream of the field bothies.

28. The report reads further follows:

"The Thirumanilaiyur Branch canal offtaking at LS 9/510 Km of Right Bank Canal. This Thirumanilaiyur Branch canal runs for a length of 1.550 Km and ayacut area commanded by this canal is 65.07.00 Ha (161.00 Acres) through 8 numbers of sluices. These field bothies, for which change in alignment is proposed, offtakes from sluice 6 and 7 of Thirumanilaiyur Branch canal.

The levels of the Thirumanilaiyur Branch canal and the field bothies in the bus stand site are taken by the Assistant Executive Engineer, WRD, Amaravathi Basin Sub Division-4, Karur Municipal Corporation, Karur and the feasibility report is analysed on 26.01.2023. The levels are taken at the sluice points,



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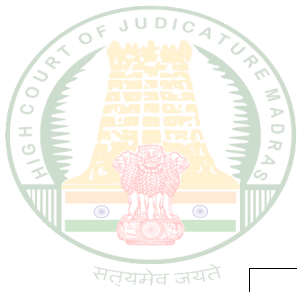
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at the boundary points of the Bus stand and at the existing downstream side of field bothies. The temporary bench mark is taken as 100.000 m at Road culvert paravet wall at LS 650m in Thirumanilaiyur Branch canal. After taking the level, it is found that:

- i) The sill level at Sluice No. 6 is 98.140 m.*
- ii) The bed level of the downstream field bothie is 97.410 m.*
- iii) The level difference observed is 0.730 m.*

The proposed bed levels to be maintained in the proposed alignment of field bothies are mentioned as follows to supply the water to downstream side ayacut areas.

S.No.	Location	Proposed Bed level of Sluice / Field Bothies (in m)
1.	Sluice No.6 of Thirumanilaiyur Branch canal	98.140
2.	Sluice No.7 of Thirumanilaiyur Branch canal	98.040
3.	Tapping point of Field Bothie of Sluice No.6	98.057
4.	Tapping point of Field Bothie of Sluice No.7	97.928
5.	Linking point of Field Bothie of Sluice No.7	97.638
6.	Linking point of Field Bothie of Sluice No.6	97.526



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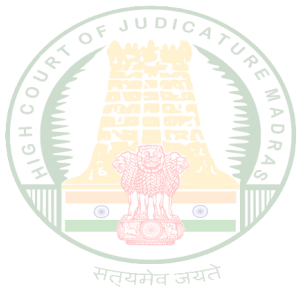
S.No.	Location	Proposed Bed level of Sluice / Field Bothies (in m)
7.	Existing downstream side Field Bothie from Sluice No.6	97.410
8.	Existing downstream side Field Bothie from Sluice No.7	97.530

Due to the change in alignment of Field Bothies as proposed in the sketch enclosed (marked in green colour), there is a technical feasibility for supplying water to the downstream side areas through the proposed change in alignment of Field Bothies (kavurVaikkal).

Necessary approval from the Government may please be obtained for this change in alignment of Field Bothies."

29. The above joint report filed by the Department of WRD, Irrigation Department, Karur City Municipality Corporation have categorically admitted the existence of the field bothies and they are being obliterated for the purpose of the construction of the bus stand and that it would take necessary approval from the Government for the change in alignment of the field bothies. Section 7 of the Tamil Nadu irrigation Works (Construction of Field Bothies) Act, 1959 is as follows:

"7.Obstruction or Interference with water flowing in field bothy prohibited the certain cases- (1) No person shall, except in accordance with such rules as may be



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prescribed, do anything which obstructs or interferes or is likely to obstruct or interfere with the flow of Water in any field bothy,

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable with Imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

30. The above section clearly indicates that without appropriate approval any obstruction or interference with the flow of water in field bothies cannot be done and there is also a penalty provision.

31. The joint inspection report has categorically stated that necessary approval from the Government may have to be obtained for this change in alignment of field bothies. Admittedly, the constructions have been started as had been seen from the photographs furnished by the 7th respondent without obtaining necessary approval as per Section 7 of the Tamil Nadu Irrigation Works (Construction of Field Bothies) Act 1959.

32. In this regard unless and otherwise the 7th respondent had obtained the necessary approval from the Government, the construction works should not have been commenced. It is only at the intervention of this Tribunal, they have now furnished a sketch suggesting the technical feasibility for supplying water to the downstream side areas through the proposed change in alignment of field bothies. Whether any such studies have been taken up, whether the change in alignment has



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already been given are all not known. In such circumstances, this Tribunal had been repeatedly holding that before such alignment being done, the main work should not be taken up.

33. However in this case being the re alignment of field bothies, unless approval from the Government is obtained the construction of the bus stand cannot be proceeded with. Till the matter was reserved, no such approval was produced before this Tribunal for having obtained such an approval for change in field bothies. The Revenue standing orders of the State deals with water course poromboke and states that great care should be taken to preserve the margins of canals, channels and streams and transfer of such water course can be ordered by Government in consultation with the Commissioner of Land Administration and Chief Engineer (WRD).

34. In such circumstances, the 7th respondent is directed to get appropriate approval for change in alignment for the field bothies as per the Tamil Nadu Irrigation Works (Construction of Field Bothies) Act, 1959 which is also admitted by them in the joint report before proceeding further. Till such time such approval is obtained, the 7th respondent is directed to suspend the work in the areas where the field bothies/channels exist as well as areas where the diversion is proposed."

33. Since such a direction was given in para 34 of National Green



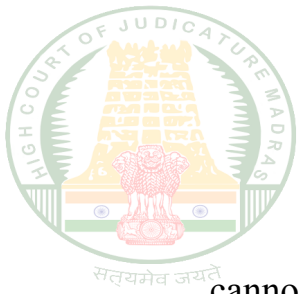
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Tribunal order as extracted herein above that, the Karur Municipality must get proper approval for change in alignment for the field bothies as per the 1959 Act, the Municipality through the Commissioner of Municipal Administration had approached the Government for getting such a permission. Only pursuant to these developments including the direction issued by the National Green Tribunal, Southern Zone, dated 23.03.2023, the Government of Tamil Nadu through the Revenue and Disaster Management Department has come out with G.O.Ms.No.550, dated 09.11.2023. By virtue of the said G.O., such a permission had been given to the Water Resources Department as well as the Revenue Department to take necessary steps to change or alter the field bothies without affecting the water canal for supplying the water to the agricultural lands.

34. The said G.O.Ms.No.550 also have been challenged in some of the writ petitions in this batch of cases.

35. Though arguments had been advanced on behalf of the writ petitioners who challenged the G.O.Ms.No.550, that such a permission



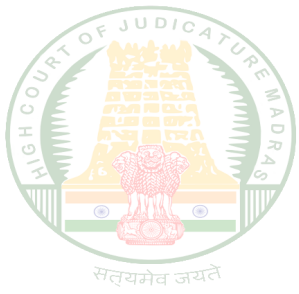
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cannot be given by the Government without consulting the agriculturist, we do not think that such a procedure is to be adopted by the Government before issuance of such permission to alter the bothies.

36. The reason being that, in view of the provisions of the 1959 Act, in fact the Collector is empowered to persuade the owner of the land to construct or dig field bothies in his land in the Ayacut of an irrigation work and the Collector can issue notice requiring the owner to construct or dig field bothies in that land within a time frame. Section 4 makes it clear that, if the owner fails to construct or dig field dothies in its land as required in the notice, the Collector may after giving the owner a reasonable opportunity of being heard make an order excluding such land from the Ayacut of the irrigation work concerned.

37. Therefore it is to be noted that, in case the Collector wants to exclude any land from the Ayacut for the irrigation from the water sources then alone such opportunity of being heard be given to the owner of the agricultural land.



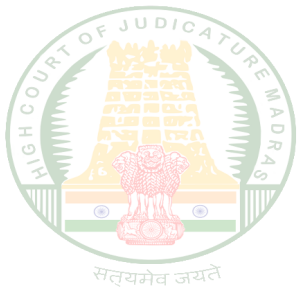
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38. Here in the case in hand, the Collector being the head of the District Administration, in consultation or in assistance with the Water Resources Department is going to make only the changes of the existing bothies, thereby if any bothies running across the land of 12 acres which are proposed for construction of the integrated central bus stand, only to that extent, the bothies would be relocated at the edge or side of the lands concerned.

39. In this context, an objection had been raised by some of the counsels appearing for the petitioners that, if such a alteration is made, the altered bothies would not serve the purpose of taking the water to the lands located in the upstream.

40. In this context, even during the pendency of these cases, we have directed the authorities concerned to further inspect and file the field map as to the existing bothies and the proposed alterations to be made in the location of the bothies.



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41. In this context, after completing the field survey and fixing the location of altering the field bothies, the authorities have filed the map along with the joint inspection report, where it is seen that there has been existence of the field bothies within the proposed area, where the Raja Vaikal is shown in blue colour and the proposed alteration of the canal or field bothies were shown in the green colour.

42. In this context, though it is the specific case of the petitioners that, the lands since are lying in the upstream, there is no possibility of taking the water by diverting the field bothies, however from the map, it is seen that, the diversion is made at point Nos.3 and 4 and it reaches point Nos.5 and 6 at the margins to reach the lands at point No.7 and beyond.

43. When the map shows that at point Nos.3, 4, 5 and 6, the lands are at a slightly lower level at each points and both the present bed level and the bed level to be provided are marked and since the map did not suggest as to what is the ground level in between the point Nos. 4 and 5, where there



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were nearly two divisions as both the present ground level and the bed level to be provided has not been given in these two corners and further the ground level provides in map at point Nos.7 and 8 is not specified whether it is in the existing ground level or bed level are to be provided.

44. Therefore, once again an inspection had been undertaken, thereafter a revised plan with map had been filed by the authorities which we have perused, where what is the level of all these points have been specifically mentioned. Therefore from east to west or from left to right, the new proposed channel route of field bothies can very well flow the water even to the upstream area of lands which is thoroughly feasible as per the technical report with map submitted by the authorities concerned.

45. In this context, except the arguments that has been made on behalf of the petitioners counsel that, such of the upper stream lands may not get water with the flow through the gravity through the altered field bothies, there has been no technical support in support of their contention. Whereas the contention made on behalf of the Government and the department



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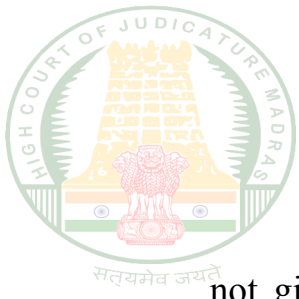
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concerned including the Karur Municipality after having made joint inspection by the Engineers concerned, have made it clear that how the alteration of field bothies could be feasible and possible one and if such an alteration is made, through the altered field bothies how the water will flow through the gravitational force even to the upstream lands because of the ground level available in that locality are all demonstrated before us.

46. After having gone through all these aspects, since the Court is not having a technical expertise in making its opinion, as per the settled legal proposition in number of Judgments of the Hon'ble Supreme Court, the report submitted by the technical persons in this regard has to be accepted by this Court.

47. If that is the accepted, the only hurdle or grievance expressed by the petitioners also is sorted out and a way out have been found.

48. Insofar as the validity of the G.O.Ms.No.550 is concerned, as has been stated supra, if we look at the provisions of 1959 Act carefully, it does



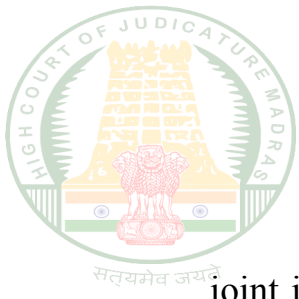
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not give any such leverage to the owners of the land to be heard before making any alteration of field bothies as such a work has to be undertaken by the Revenue Administration in consultation with the Water Resources Department, that is the erstwhile PWD.

49. Here in the case in hand, such a permission since was required to be obtained from the Government and before such permission was secured from the Government, since the Municipality started making construction of the bus stand by inviting tenders and handing over the work order to the contractor, some of those writ petitions had been filed seeking a restraintment order from this Court against the Municipality and other authorities to proceed with the construction of the bus stand including the stay of the operation of the Government Order, i.e., G.O.Ms.No.550.

50. Though interim order of status quo or injunction or stay has been granted in these cases at various point of time and those interim orders are still in operation and we by interim order, dated 30.04.2024, in fact having considered all these aspects, wanted to extend the interim orders until the disposal of these cases finally, after having gone through the provisions of the 1959 Act, the report submitted by the authorities concerned after having

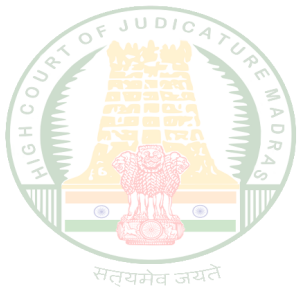


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joint inspection, we are satisfied that insofar as the feasibility of relocating the field bothies, only in a limited extent for the purpose of the proposed construction of the bus stand, would no way offend or affect the water flow for the purpose of agricultural land including upstream lands.

51. Though it is yet another point that was raised on behalf of the Government and Municipality and those petitioners who support the case of the municipality and the Government to go ahead with the construction of the bus stand that, there has been no agricultural activities in the locality for more than a decade and absolutely there has been no field bothies which are available or surfacing and only in the field map this is available, not on the ground in practical, whether the agricultural activities recently has been taken place or not and the field bothies are surfaced as of now or not may not be the reason to ignore the grievance of the agriculturist if any with regard to protecting the field bothies which are originally available as per the provisions of the Field Bothies Act, 1959.



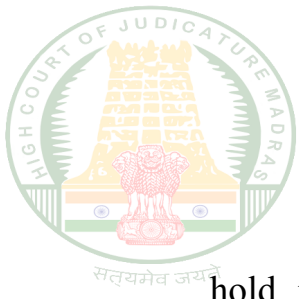
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52. That is the reason why the National Green Tribunal also in its order referred to supra had given such a direction to a Municipality to seek such a permission from the Government to alter the field bothies enabling the land in question proposed to construct the bus stand free of any cross running of field bothies and therefore such a direction also now has been complied with by issuance of G.O.Ms.No.550 by the Government.

53. Therefore the apprehension raised and the objection made on behalf of the petitioners since has been cleared and those objections cannot be sustained in view of the aforestated facts and circumstances, we are of the view that, there has been no plausible reason to oppose the G.O.Ms.No. 550, dated 09.11.2023.

54. That apart insofar as the plea that has been raised on behalf of some of the petitioners that, the conversion of the land at Thirumanilaiyur village from agricultural zone into commercial zone for the purpose of construction of the bus stand is concerned, that is not inconsonance with the provisions of the Town and Country Planning Act, 1971 also would not



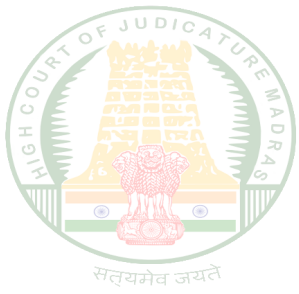
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hold much water because if we look at G.O.Ms.No.76, which is also questioned in some of the writ petitions in this batch, that was issued in the year 2014.

55. Under various provisions of the Town and Country Planning Act, the Government is empowered to direct the planning authority, Regional planning authority to draw master plans, new town development plan and local plan etc. When such being the position, the Government is empowered to issue such Government Order like G.O.Ms.No.76, dated 17.07.2014 for conversion of certain lands at Thirumanilaiyur village from agricultural zone into commercial zone and that kind of power vested with the Government cannot be denuded merely because the lands which are in question comes under the agriculture zone.

56. If such a power is not vested with the Government, there could be no conversion possible of any land from any category to any other category. Such kind of blanket ban cannot be imposed against the Government with regard to conversion of land on need basis.



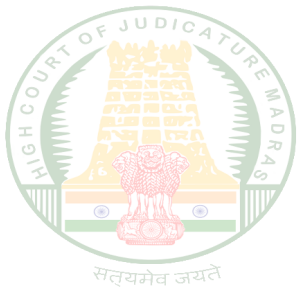
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57. The Government being the welfare Government is fully empowered to take decisions and issue Executive Orders under Article 162 of the Constitution and here in the case in hand, of course inconsonance with various provisions of the Tamil Nadu Town and Country Planning Act for converting certain lands from 'A' use to 'B' use, i.e., agricultural use to commercial use, the G.O. was issued.

58. When such a land conversion is taken place that would no way affect any individual or group of persons as the land being converted are the lands belong to two individuals who have already donated the lands for the purpose of establishing the bus stand.

59. Moreover selecting and fixing the said location at Thirumanilaiyur was already been permitted under Section 152 of the District Municipalities Act by the Government through G.O.Ms.No.87 permitting the Municipality to go ahead with establishing of a integrated central bus stand at Karur.



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60. When that was questioned before this Court as we stated supra, the Division Bench of this Court by an exhaustive order, dated 28.04.2014 has considered all aspects and dismissed those writ petitions in fact some of them were dismissed with costs.

61. When that being the position, the challenge now has been made against the G.O.Ms.No.76 not only on the aspect of latches but also on merits would not be sustained and therefore, the validity of G.O.Ms.No.76 is to be upheld.

62. Insofar as the location at Thirumanilaiyur is concerned for the purpose of establishing the integrated central bus stand at Karur all those contentions which were raised at the time in the first round of litigation which were disposed by the Division Bench Judgment dated 28.04.2014 were thoroughly discussed and rejected.

63. The conclusion portion of the order of the Division Bench, dated 28.04.2014 has already been extracted herein above, where in para 56 by



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citing the decision of Union of India vs. Government of Tamil Nadu in W.A.No.572 of 2013 dated 22.04.2013 of a Division Bench of this Court, it has been held what is the scope of the judicial review on policy decision taken by the Government.

64. In para 61 of the said Judgment, the various situations under which such a policy decision could be challenged has been summarised, where if the policy fails to satisfy the test of reasonableness or the change in policy must be made fairly and should not give impression that it was so done arbitrarily on any ulterior intention or the policy decision can be faulted on grounds of mala fides, unreasonableness, arbitrariness or unfairness or if the policy is found to be against any statute or the constitution or runs counter to the philosophy behind these provisions or if it is dehors the provisions of the Act or if the delegate has acted beyond its power of delegation or if the policy is against public interest or does not sub-serve public interest for the public good.

65. Here in the case in hand, it is nobody's case that, there is no need to establish an integrated central bus stand for Karur Municipality. When

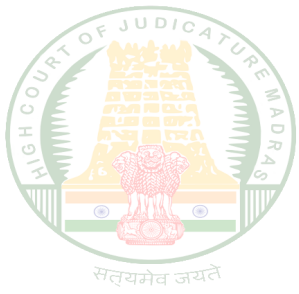


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that being so, efforts had been taken by the stakeholders, i.e., Municipality, District Administration, Government etc., from 2006 to find out the proper location to establish the bus stand. Even though initially some lands were located at Thoranakalpatti village, for variety of reasons that was rejected by the elected Municipal Council of Municipality. Since the Municipality is governed by the elected municipal council, before whom the proposal at Thoranakalpatti was placed, it was in toto rejected and the Government also having accepted the same, wanted to find out and search for an alternative place, for which notification was issued. Pursuant to which two individuals had come forward to donate lands at Thirumanilaiyur village to the extent of 12 acres and those lands are found to be suitable for the purpose of proposed establishment of the bus stand.

66. Insofar as the said land is concerned, the Government had given permission under Section 152 of the District Municipalities Act, in view of the expansion of the municipal area by issuance of the Government Order, whereby the geographical extent of the Karur Municipality has been extended, such a permission under Section 152 was also given.



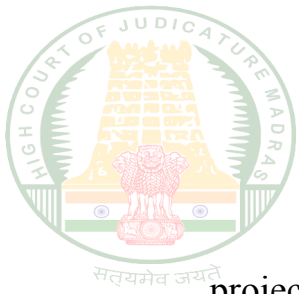
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67. When that was questioned, as we stated and discussed herein above, a complete quietus had been given by dismissing those writ petitions by the Division Bench Judgment dated 28.04.2014 which was appealed to the Supreme Court and the SLP was dismissed as withdrawn by the order of the Hon'ble Supreme Court dated 19.08.2014.

68. When that being so, insofar as the policy decision taken by the Government to locate the proposed central bus stand of Karur at various survey numbers of 12 acres of land donated by two individuals at Thirumanilaiyur village has been approved with the seal of this Court by a Judicial order and the said judicial order having become final whether the same issue can be reagitated before this Court.

69. In this context, the learned Advocate General, learned Additional Advocate Generals as well as the learned counsel appearing in support of the Government and Municipality has raised the point of resjudicata. Though it was opposed by the learned counsel appearing for the petitioners that in a writ proceedings, such a theory of resjudicata would not apply, insofar as the selection and finalisation of a location to have any public

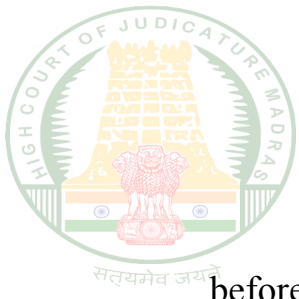


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project for the public good at large, if it has been questioned before the Court of law and such a policy decision in selecting and fixing a particular location is approved and upheld by a decision of the Court, whether the same location can again be questioned in different name or different grounds by the litigant either as adversarial writ petition or in the name of the Public Interest Litigation had engaged in our minds. We are fully satisfied that the order of the Division Bench, dated 28.04.2014 in all four has given a complete answer to all these questions.

70. When such a finality has been reached by an exhaustive decision of this Court, which infact has been concluded by dismissal of the SLP by the Hon'ble Supreme Court, such a issue cannot once again be raised by any other litigants or the same litigants by raising different or additional grounds. The reason being that, if such kind of litigations are permitted, there would not be any quietus to any issue in a Court of law. If the same issue again and again been permitted to be raised in a different name by different litigants with different grounds, the litigious area alone would be expanded, and the purpose of judicial review in any confronted issue raised



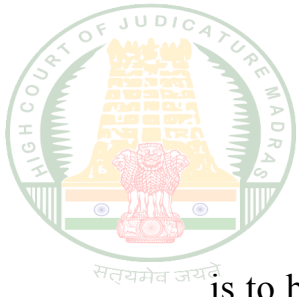
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before the Court of law, where the finality is already reached by an exhaustive decision of the Court, would get defeated.

71. Therefore the point that has been raised by the learned Advocate General and Additional Advocate Generals and other counsel in support of the Government and Municipality that, with regard to the location of the proposed bus stand at Thirumanilaiyur village is concerned, that has already been given concluded, therefore there is a resjudicata on this issue which would hit the present batch of writ petitions filed in opposing the said location at Thirumanilaiyur once again, is to be accepted.

72. Insofar as the challenge that has been made in G.O.Ms.No.550 is concerned, as we discussed herein above, the G.O.Ms.No.550 was issued in order to comply with the provisions of the 1959 Act and also in compliance of the direction issued by the National Green Tribunal, Southern Zone. If that being so, the G.O.Ms.No.550 cannot be questioned with the ground that has been raised in those writ petitions questioning the validity of G.O.Ms.No.550 and therefore for all these reasons, the G.O.Ms.No.550 also



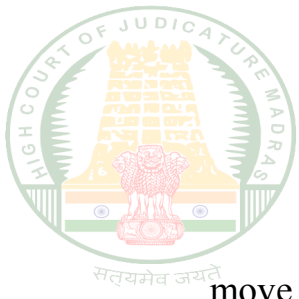
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is to be sustained and none of the grounds raised by the petitioners to make a challenge successfully against G.O.Ms.No.550 would be sustainable.

73. Since the G.O.Ms.No.87 has been upheld and the only infirmity on the part of the municipality that they wanted to proceed with the construction of the bus stand without getting permission from the Government for change of the location of the bothies since has been complied with by issuance of G.O.Ms.No.550 as per the directions issued by the National Green Tribunal, Southern Zone and the G.O.Ms.No.76 issued in the year 2014 is also a valid piece of Executive Order within the realm of of the Government under Article 162 of the Constitution, none of these challenge made in this batch of cases opposing various Government Orders and the move of the Government and the Municipality to proceed with the construction of integrated central bus stand at Karur Municipality at Thirumanilaiyur would be considered to be a sustainable one.

74. Resultantly, all these challenges have to necessarily fail and therefore the writ petitions opposing the Government and the Municipalities



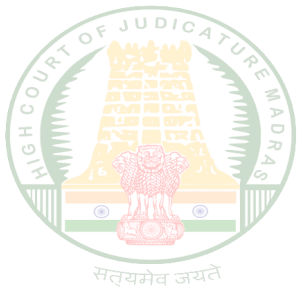
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move to construct the integrated central bus stand at Thirumanilaiyur, Karur

Taluk and District would fail and are liable to be dismissed.

75. But at the same time some of the writ petitions which have been filed in support of the construction of the proposed bus stand at Thirumanilaiyur village seeking for mandamus are to be allowed, even though already there has been a direction issued by a Division Bench of this Court in W.P.(MD).No.3449 of 2017, whereby a mandamus was issued to implement the G.O.Ms.No.87 and against which though review has been filed, that has also been dismissed and a contempt petition also has been filed in Cont.P.(MD).No.345 of 2018, where a status report had been filed and the Secretary to Government took an undertaking by giving a time schedule of two years maximum to complete the project at Thirumanilaiyur by executing or implementing the G.O.Ms.No.87 and this has been recorded by the Division Bench by closing the Cont.P.(MD).No.345 of 2018, the authorities cannot go back from the said commitment.



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76. Therefore from that angle also, the proposed construction of the new integrated bus stand at Thirumanilaiyur cannot be faulted with or such an attempt cannot be thwarted by filing more and more litigations like the present batch of writ petitions.

77. In all these litigation mainly one S.Thangavelraj had been the writ petitioner and he alone had moved the issue before the National Green Tribunal and had gone to the Hon'ble Supreme Court where he withdrawn the SLP and the SLP filed by him against the National Green Tribunal order also had got dismissed and again he has come forward to file the present writ petition.

78. If we look at the conduct of the said Thangavelraj, it seems that he had no agricultural land in the locality at Thirumanilaiyur. He had purchased 1.10 acres of land at S.No.109 at Thirumanilaiyur village by a registered sale deed, dated 23.08.2022. On the next day, i.e., on 24.08.2022, the said Thangavelraj had given a representation to the State Government, District Administration as well as the Municipal Commissioner, where he has made a request that he is having the agricultural land at S.No.109 in



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Thirumanilaiyur village, for the said land, he is getting water through the canal from Amaravathi river and if the said canal is closed for the purpose of the proposed construction of the bus stand, the water flow would get affected and thereby his agricultural activities also would get affected, hence, he had requested the authorities to give up the proposal to construct the bus stand itself.

79. Then he approached the National Green Tribunal, Southern Zone by filing O.A.No.132 of 2022 and in the said O.A.No.132 of 2022 alone, the National Green Tribunal, Southern Zone has given direction to the Municipality to get permission from the Government for the purpose of altering the field bothies.

80. If we look at the way in which the said Thangavelraj had approached the Court of law as well as the National Green Tribunal, it clearly demonstrates that, he is not an agriculturist prior to 23.08.2022 and suddenly he purchased 1.10 acres of land only on 23.08.22, within 24 hours, i.e., on 24.08.2022, he made a representation that his 1.10 acres of land would get affected if the bus stand is constructed, therefore stop the construction of the bus stand. This clearly demonstrates the ill intention on



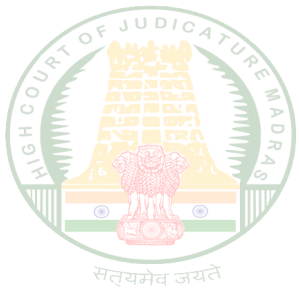
W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024, W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

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the part of the said Thangavelraj to approach this Court to file litigation after litigation in order to thwart or prevent the move of the Government and Municipality to construct the bus stand.

81. Whether the agriculturist purchased one acre of land just one day earlier can immediately swing into the action to thwart the attempt of the Government and the Municipality to construct the bus stand for the entire welfare of the general public in the Municipal Corporation or Municipal town of the Karur is the question.

82. This of his conduct clearly exposes himself that, he has not come forward with clean hands before this Court with good intention, instead he has been driven by forces behind him and the actual purpose and motive of those forces who drive this Thangavelraj though can be presumed, we do not go into that aspect further as these kind of litigations are not new to this Court.



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83. The construction of a bus stand in a fastly growing and developing town or municipality / corporation which is also one of the industrial town in the State of Tamil Nadu is a dire public need of the Municipality and the locality or the District concerned. Since the Karur Municipality has now become the Corporation and it is also being the Headquarter of the Revenue District, the logistics through transport connectivity of public transport system has become essential. If such an essential public need if at all is to be fulfilled, when steps are being taken by the Government and the Municipality, these kind of hurdles would come for ulterior motive or for individual progression.

84. However, the Court of law would only see the policy decision of the Government, whether such a policy decision is taken based on reasonableness and public need and public good and if the policy decision is implemented, the opposition given by any individual or group of individuals whether would be sustainable in the eye of law and if those objections are not sustainable in the eye of law, the Courts would not show its indulgence in favour of such litigants as they come to the Court only to



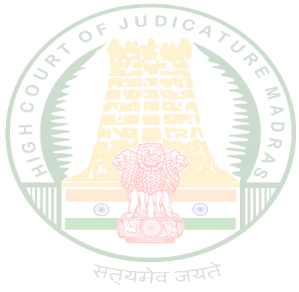
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achieve their illegal design for the reasons best known to them.

85. Therefore such kind of litigations since are pouring in before this Court, especially in this batch of cases, despite the quietus having been given by an exhaustive decision of the earlier Division Bench on 28.04.2014, it has made very clear and we are convinced to that effect that these litigations are not meant for any public good but only for individual progression which can easily be construed as an ulterior motive.

86. If we weigh the public good on the one side and the individual progression or group of individual's progression on other side, naturally the pendulum would take the side of the public good at large. Here also the Judicial pendulum naturally would take a side of public good and not in favour of individuals or group of individuals to sustain and fulfil their desire either to progress themselves or to act as carriers of such kind of litigations of those individuals or group of individuals who are sitting behind and drive these people to come to this Court.



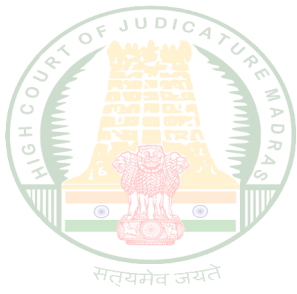
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87. Therefore we are fully satisfied that, all the legal compliances have been made out or fully complied with by the stakeholders namely the State Government, District Administration, Water Resources Department as well as the Karur Municipality under various provisions of law in order to establish an integrated central bus stand at Karur Municipality in the location called Thirumanilaiyur village at Karur Taluk.

88. During the hearing it has been brought to our notice by the learned Advocate General and Additional Advocate Generals appearing for the State that 31% of the work has already been completed, at the time since interim orders have been granted, the work has been stopped.

89. Since the construction of the bus stand, as we discussed herein above, is a dire need for the people who are at Municipal Corporation as well as in the District concerned at large, such a public project cannot be unnecessarily halted without any plausible reason. Therefore we are convinced that such an interim orders granted also shall not stand in the way in proceeding further of the proposed construction of the bus stand.



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90. Therefore we are inclined to dispose of all these writ petitions, writ appeal and contempt petition to the following effect :

(i) That the writ petitions in W.P.(MD).No.1470 of 2024, W.P.(MD).No.4017 of 2024, W.P.(MD).No.9786 of 2022, W.P.(MD).No.20509 of 2022, W.P.(MD).No.9887 of 2023, W.P.(MD).No.9132 of 2023 and W.P.(MD).No.7408 of 2024 are dismissed.

(ii) That the writ petitions in W.P.(MD).No.16859 of 2020, W.P.(MD).No.18160 of 2020, W.P.(MD).No.3242 of 2021 are allowed.

(iii) W.A.(MD).No.1325 of 2023 is dismissed.

(iii) The Contempt Petition in Cont.P.(MD).No.1352 of 2020 is closed.

However, there is no order as to costs. Consequently, connected miscellaneous petitions are closed.

**(R.S.K., J.) (G.A.M., J.)
14.02.2025**

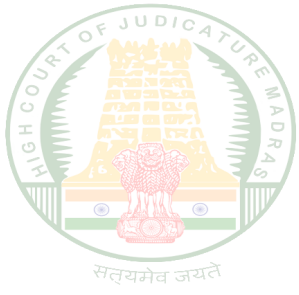
Index : Yes

Speaking Order : Yes

Neutral Citation : Yes

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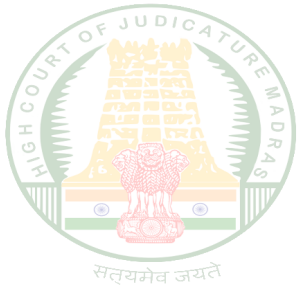
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To

1. The Principal Secretary to Government
Revenue and Disaster Management Department,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Land Administration
Land Administration Department,
2nd Floor, Ezhilagam,
Chepauk, Chennai - 600 005.
3. The Principal Secretary to Government
Municipal Administration & Water Supply Department,
Fort St. George,
Chennai - 600 009.
4. The Directorate of Municipal Administration
75, Urban Administrative Building,
Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai - 600 028.
5. The District Collector
Karur, Karur District.
6. The Commissioner
Karur Municipal Corporation,
Karur, Karur District.
7. The Commissioner
Municipal Administration and Water Supply Department,
Ezhilagam, Anna Building,
Chepauk, Chennai - 5.

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8. The Commissioner
Municipal Administration and Water Supply Department,
Ezhilagam,
Chepauk, Chennai - 5.
9. The Secretary to Government
State of Tamil Nadu
Transport Department,
Secretariat,
Chennai - 9.
10. The Secretary to Government
Animal Husbandry, Dairying and Fisheries (AH2) Department,
State of Tamil Nadu,
Secretariat,
Chennai - 9.
11. The Managing Director
Tamil Nadu State Transport Corporation
Kumbakonam Ltd.,
No.27, Railway Station New Road,
Kumbakonam,
Thanjavur District.
12. The Assistant Director
District Town and Planning Office,
Karur District.
13. The Principal Secretary / Commissioner
Rehabilitation and Welfare for Non-resident Tamils,
Ezhilagam,
Chennai - 5.



W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024,
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14. The Block Development Officer (Panchayat)

Thanthoni Panchayat Union,
Karur District.

15. The Secretary to Government

Ministry of Environment, Forest and Climate Change,
Union of India,
Paryavaran Bhavan, Jor Bagh Road,
New Delhi - 110 003.

16. The Principal Secretary to Government

Department of Environment and Forests,
Secretariat, Fort St. George,
Chennai - 600 009.

17. The Additional Chief Secretary to Government

Department of Municipal Administration
Urban and Water Supply
Secretariat, Fort St. George,
Chennai - 600 009.

18. The Member Secretary

Tamil Nadu Pollution Control Board,
100, Anna Salai, Guindy,
Chennai - 600 032.

19. The District Environmental Engineer

Karur No.26,
Ramakrishnapuram West,
Karur - 639 001.

20. The District Collector

Thanthonimalai,
Karur.



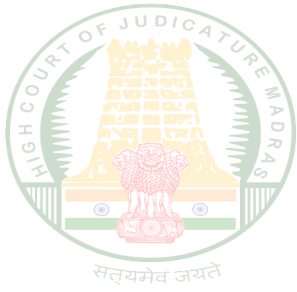
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WEB COPY 21. The Principal Secretary to Government
Housing and Urban Development,
Fort St. George,
Chennai - 600 009.

22. The Director
Tamil Nadu Town and Country Planning Department,
Chepauk, Chennai - 600 005.

23. The President
Karuppampalayam Village Panchayat,
Karur, Karur District.

24. The District Revenue Officer
District Collector Office,
Karur District.



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W.P.(MD).Nos. 1470 and 4017 of 2024, 16859 and 18160 of 2020, 3242 of 2021, 9786 and 20509 of 2022, 9887 and 9132 of 2023, 7408 of 2024, W.A.(MD).No.1325 of 2023 and Cont.P (MD).No.1352 of 2020

**R.SURESH KUMAR, J.
AND
G.ARUL MURUGAN, J.**

tsvn

**Common Order in
W.P.(MD).Nos.1470 and 4017 of 2024,
16859 and 18160 of 2020, 3242 of
2021, 9786 and 20509 of 2022, 9887
and 9132 of 2023, 7408 of 2024,
W.A.(MD).No.1325 of 2023 and
Cont.P (MD).No.1352 of 2020**

14.02.2025