

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.No.35084 of 2014

S.Velmurugan

.. Petitioner

-vs-

1.The District Collector,
Perambalur District,
Perambalur.

2.The Project Officer,
District Rural Development Agency,
Perambalur District,
Perambalur.

3.The Block Development Officer,
Veppanthattai Panchayat Union,
Perambalur District.

4.The President,
Pasambalur Village Panchayat,
Veppanthattai Panchayat Union,
Perambalur District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to forbear the respondents from constructing in any manner or disturbing enjoyment of property in S.No.19/12 of Pasambalur Village, Veppamthattai Taluk, Perambalur District and consequently direct the 1st respondent to consider the petitioner representation dated 08.12.2014.

For Petitioner : Mr.K.Balu

For Respondents : Mr.V.Shanmughasundar
Govt. Advocate for RR1 and 2
: Mr.P.Sanjay Gandhi for RR3 & 4

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner has filed the present Public Interest Litigation alleging that a bus stand located in S.No. 19/12 of Pasambalur Village, Veppamthattai Taluk, Perambalur District, is being utilised and now construction of Anganvadi is envisaged in the same survey number, which would affect the students, who use the bus stand.

2.We put a query to the learned counsel for the petitioner as to how the students utilising the alleged bus stand would be affected by the Anganvadi. Learned counsel states that there is no proper supervision in Anganvadi and so, the students would be affected. This is hardly a reason.

3.Learned counsel appearing for respondents 3 and 4 explains that it is under the Mahatma Gandhi National Rural Employment Scheme that the funds were made available by the Central Government for construction of the Anganvadi, which is a social scheme. 90% of the work is stated to be over. The land is a Government Poramboke land. No bus stand was actually existing there.

4.Learned counsel for the respondents also points out that even an earlier endeavour was made to stop the construction of Anganvadi by institution of a civil suit, being O.S.No.616 of 2014 before the Court of District munsif, Perambalur, in which no interim order was granted, albeit, by another plaintiff and thus, this is one more endeavour through a Public Interest Litigation to achieve the objective, which has not succeeded in the suit.

5.In the conspectus of the aforesaid, we are of the view that there is no Public Interest involved in the present petition. In fact, the public interest would be in favour of the utilisation of the funds under the Central Government sponsored scheme for the purpose for which it is designated.

6.Writ Petition, thus, stands dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The District Collector,
Perambalur District, Perambalur.
- 2.The Project Officer,
District Rural Development Agency,
Perambalur District, Perambalur.
- 3.The Block Development Officer,
Veppanthattai Panchayat Union,
Perambalur District.
- 4.The President,
Pasambalur Village Panchayat,
Veppanthattai Panchayat Union,
Perambalur District.

1 cc to Mr.P.Sanjay Gandhi ,Advocate, SR.No.616

1 cc to Government Pleader,Sr.No743

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rj(co)
pmk.22.1.2015



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