

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.21252 of 2015

and M.P.No.1 of 2015

K.Suruli

... Petitioner

-Vs-

1.The District Collector,
Vellore District, Vellore.

2.The Block Development Officer,
Thirupathur Panchayat Union,
Thirupathur, Vellore District.

3.The President,
Pommikuppam Panchayat,
Thirupathur, Vellore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st respondent to consider the representation of the petitioner dated 01.07.2015 and direct the 1st respondent not to construct the Community Hall on the Chinna Mariamman Temple land situated at Pommikuppam Village, Thirupathur Taluk, Vellore District to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.S.Pattabiraman
Government Advocate

O R D E R

The petitioner, claiming to be the Village Headman, has made a representation to the Sub Collector, marking a copy to the respondent no.1 stating that the proposed construction for Village Panchayat Service Centre shall not be allowed to continue on the ground that it is a Community Hall and the said place is used by the worshippers of the temple. On its non consideration, the present Writ Petition has been filed.

2.The learned counsel for the petitioner submitted that a request has been made for assignment. A resolution has been passed earlier in this regard and considering the same, the respondent no.1 will have to pass orders and the respondent nos.2 & 3 shall not allow the construction to go on.

3.The learned Government Advocate appearing for the respondents submitted that nearly one third of the construction is over and the land is also a poramboke land. The construction is made for the purpose of Village Panchayat Service Centre and it is the general public who will be benefited. The temple has no connection with the said area. The area, which the general public use for temple festival, is not disturbed. Appropriate resolution has been passed by the local authority for the purpose of constructing the Village Panchayat Service Centre. Prior sanction has also been obtained for the construction. Out of the total extent of 0.70 cents, 0.4 cents is being used for the above said purpose, hence, no interference is required.

4.Considering the limited scope of the prayer, without going into the merits of the case, the respondent no.1 is directed to pass appropriate orders on the pending representation dated 01.07.2015 within a period of six weeks from the date of receipt of a copy of this order. The petitioner is also directed to give a copy of the representation dated 01.07.2015, enclosing a copy of this order to the respondent no.1 within a period of two weeks from the date of receipt of a copy of this order.

5.The Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

va

To

1.The District Collector,
Vellore District, Vellore.

2.The Block Development Officer,
Thirupathur Panchayat Union,
Thirupathur, Vellore District.

3.The President,
Pommikuppam Panchayat,
Thirupathur, Vellore District.

+1 cc to Mr.R.Sankarasubbu, sr.46602

+1 cc to Govt.Pleader, sr.46871

W.P.No.21252 of 2015
and M.P.No.1 of 2015

tej (co)
kra 7/9