

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P.No.27927 of 2015
and
M.P.No.1 of 2015

P.Pandian

.. Petitioner

-vs-

- 1.The Chief Secretary,
Government of Tamilnadu,
Fort St. George,
Chennai-600 009.
- 2.The Principal Secretary,
Government of Tamilnadu,
Revenue Department,
Fort St. George,
Chennai-600 009.
- 3.The Commissioner for Revenue Administration,
Ezhilagam, Chempauk,
Chennai-600 005.
- 4.The District Collector,
Salem District.
- 5.The District Revenue Officer,
Salem District.
- 6.The Revenue Divisional Officer,
Attur, Salem District.
- 7.The Thasildar,
Pethanaickenpalayam Taluk,
Salem District.
- 8.The Revenue Inspector,
Yethapur village,
Pethanaickenpalayam Taluk,
Salem District.

9.R.Elangovan,
State President,
Central Co-operative Bank Ltd.,
Yethapur village,
Pethanaickenpalayam Taluk,
Salem District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 7 to construct the Pethanaickenpalayam Taluk Office having its head quarters at Pethanaickenpalayam Town as established under G.O.Ms.No.6 Revenue Department, Government of Tamilnadu dated 05.01.2015 in the land comprised in Survey No.166/14, 166/15A, 166/16, 166/17 and 166/18 situated at Ward No.8, Cuddalore main road on Chennai - Salem National Highways as per patta No.428 to an extent of 1.25 acres out of 2.06 acres as resolved and recommended by the Pethanaickenpalayam Town Panchayat by its Board Resolution dated 24.08.2015 and thereby implementing the G.O.Ms.No.6 Revenue Department, Government of Tamilnadu dated 05.01.2015 within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.D.Saravanan
for
M/s.Pass Associates

For Respondents : Mr.STS.Moorthy
Government Pleader
assisted by
Mr.V.R.Kamalanathan, Addl. G.P.
Mr.V.Shanmugasundar, Govt. Advocate
for R1 to R8

ORDER

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

As to which land the Taluk Office should be located, in our view, cannot be the subject matter in this Public Interest Litigation.

2. The case of the petitioner is that the Government Order dated 05.01.2015 separating Attur Taluk in Salem District to be divided and new Taluk being formed in Pethanaickenpalayam is being violated, in so far as the location of the Taluk Office is concerned. In terms of that Order, there have to be three Firkas in Pethanaickenpalayam consisting of Pethanaickenpalayam, Ethappur and Kalrayan Mala. The expected Pethanaickenpalayam Taluk will consist of full Pethanaickenpalayam Panchayat Union. The Government Order, however, does not specify in which Firka the Taluk Office is to be situated though the petitioner thinks to the contrary.

3. The grievance made by the petitioner is that the Revenue Inspector, Ethappur carried out a survey in pursuance to the verbal order issued by the Tahsildar, Pethanaickenpalayam and thus, there is possibility of locating the Taluk Office in Ethappur contrary to the belief of the petitioner that it should be only in Pethanaickenpalayam. In respect of this survey, the petitioner has produced the copy of the representation obtained through RTI that some of the villagers have made representation on 21.8.2015 to the District Collector, Salem with the resolution being passed in the Panchayat on the same date requesting for construction of a building for permanent functioning of Taluk Office at Pethanaickenpalayam. This representation was still pending consideration, while the petitioner has approached this Court, hardly a few days passing. We did endeavour to persuade the learned counsel for the petitioner that the better course would be to wait for the decision of the authority concerned as what was being done was the decision making process and not communication of the decision. However, the learned counsel for the petitioner wants the Government Order to be interpreted.

4. It is, in view thereof, we are proceeding with the matter and according to us, the Government Order only mentions formation of new Pethanaickenpalayam Taluk, but it does not specify in which of the three Firkas the Taluk Office has to be located.

5. We also would like to opine that as to where the location of the Taluk Office would be falls within the domain of the competent authorities and does not really form subject matter of Public Interest Litigation. We do not find violation of any Government Order, which could have given rise for interpretation.

6. In the result of the aforesaid, the writ petition is dismissed. No costs. Consequently, M.P.No.1 of 2015 is closed.

सत्यमेव जयते

Sd/-
Asst.Registrar (CO)

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Sub Asst. Registrar

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To

1.The Chief Secretary,
Government of Tamilnadu,
Fort St. George,
Chennai-600 009.

2.The Principal Secretary,
Government of Tamilnadu,
Revenue Department,
Fort St. George,
Chennai-600 009.

3.The Commissioner for Revenue Administration,
Ezhilagam, Chepauk,
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4.The District Collector,
Salem District.

5.The District Revenue Officer,
Salem District.

6.The Revenue Divisional Officer,
Attur, Salem District.

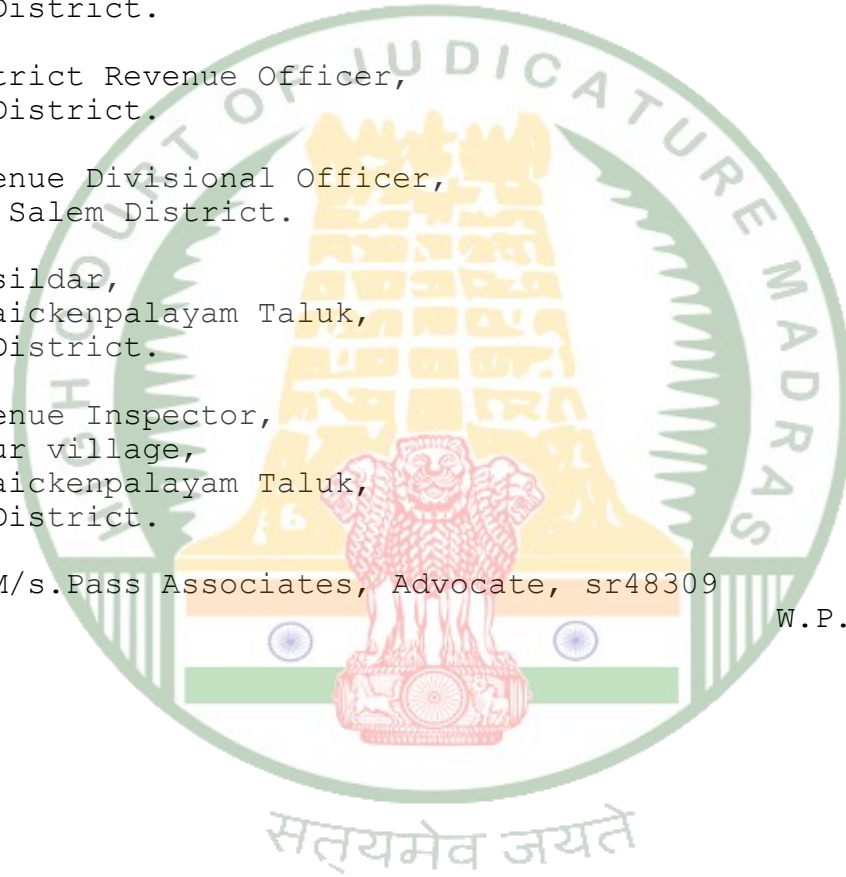
7.The Thasildar,
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8.The Revenue Inspector,
Yethapur village,
Pethanaickenpalayam Taluk,
Salem District.

+1 cc to M/s.Pass Associates, Advocate, sr48309

W.P.No.27927 of 2015

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