



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.4157 of 2014 and

MP(MD).NO.1 and 2 of 2014

Sollalagan

... Petitioner

Vs.

1. The District Collector, Tirunelveli.

2. The Superintendent of Police, Tirunelveli.

3. The District Civil Supply Officer,
Tirunelveli District, Tirunelveli.

4. The Executive Officer,
Special Grade Panchayat,
North Valliyoor, Tirunelveli.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the 4th Respondent in Na.ka.No.370/2013 dated 18.02.2014, quash the same and consequently directing the respondents 1, 3, 4 to shift the site selected for the construction of fair price shop at Nallamuthu Amman Temple premises in S.No. 1268/22 at Valliyoor Village to some other Government Poramboke land situated in S.No.2290/8 vide the petitioner's representation dated 05.02.2014.

For Petitioner : Mr.D.Saravanan

For Respondents : Mr.M.Alagadevan

Special Government Pleader.

ORDER

(Order of the Court was made by R.SUDHAKAR,J.)

This writ petition has been filed praying to shift the site situate in S.No.1268/22 at Valliyoor Village, selected for construction of fair price shop to some other Government poramboke land situate in S.No.2290/8.

2.Pursuant to the notice of this Court, the Executive Officer, the fourth respondent herein filed a counter affidavit denying all the allegations made in the writ petition. In the counter, it is stated that there is no likelihood of caste based dispute in the area, as 99% of the people belonged to Adi Dravidar Community. The fair price shop is being constructed for the benefit of 8th and 9th ward people and based on their representation



to MLA, a resolution was passed on 31.12.2013 and construction work was started. However, only because of the interim order granted by this Court, further construction was stopped.

3. It pains to note that interim injunction was granted on 11.03.2014 only based on a misconception of the allegation made by the petitioner and the rights of people getting fair price shop is denied in their own locality.

4. It is further stated in the counter affidavit that part of the area has been used for Mahalir Sukathara Valaham namely, for the benefit of women and another part is used for constructing a playground for children. The fair price shop is being constructed in a vacant area which is nearby a hospital. For some personal motive, the present writ petition has been filed for obstructing the construction. Even the alternative place namely, S.No.2290/8, as suggested by the petitioner could not be used for constructing the fair price shop since it belongs to the Revenue Department and they have decided to construct a building for the welfare of the physically disabled persons.

5. Recording the counter affidavit filed by the fourth respondent, the writ petition is dismissed and interim injunction already granted is vacated. No costs. Consequently, MP(MD)No.2 of 2014 is closed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Tirunelveli.
2. The Superintendent of Police, Tirunelveli.
3. The District Civil Supply Officer,
Tirunelveli District, Tirunelveli.
4. The Executive Officer,
Special Grade Panchayat,
North Valliyoor, Tirunelveli.

+ 1 CC TO MR.D.SARAVANAN, ADVOCATE IN SR NO. 46616

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 46908

MJ