



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

W.P. (MD) No.6505 of 2015
and
M.P. (MD) No.1 of 2015

R.Kannan

...Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Block Development Officer,
Kariapatti Panchayat Union,
Kariapatti,
Virudhunagar District.

3.The President,
Thonugal Village Panchayat,
Virudhunagar District.

...Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from raising any construction within the Panchayat Union Elementary School, Thonugal Village, Kariapatti Taluk, Virudhunagar District other than the construction meant for school purpose and issue any other suitable orders as this Court may deem fit and proper in the circumstances of the case.

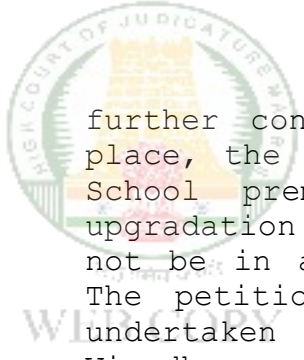
For Petitioner	: Mr.S.Balamurugan
For Respondent-1	: Mr.B.Pugalenth Spl.Govt.Pleader
For Respondent-2	: Mr.M.Alagadevan Govt.Advocate

ORDER

(Order of this Court was made by S.MANIKUMAR, J.)

A resident of Thonugal Village, Vakkanankundu Post, Kariapatti Taluk, Virudhunagar District, has sought for a Writ of Mandamus, directing the respondents, from putting up any construction of 'Panchayat Service Centre', within the premises Panchayat Union Middle School of the said Village.

2. Grievance of the petitioner is that the lands gifted away by a philanthropist, to the Panchayat Union, is only for the purpose of service centre only and not for Panchayat Union Middle School and that it does not mean that the Panchayat Union can put up any further construction, like a overhead tank, water tank or for any other purpose. The petitioner has



further contended that, when vacant place is available in some other place, the proposed construction of Panchayat Service Centre, within the School premises, would affect the prospects of the School, when upgradation is sought for, on the ground interalia that the School may not be in a position to satisfy the space requirement for upgradation. The petitioner has further contended that construction work is being undertaken by the President of Thonugal Village, Kariapatti Taluk, Virudhunagar District, the 3rd respondent, when the work has to be carried out by one Kalaiselvi, Secretary of the said Panchayat. Added to the above, Mr.S.Balamurugan, learned counsel for the petitioner submitted that the villagers have no objection for construction of Panchayat Service Centre, in any other place, except the School premises.

3. We have heard learned counsel for the petitioner and perused the materials available on record.

4. Photographs enclosed in the typed set of papers indicate that Late Mariappan Chettiar and his legal representatives have donated the land for the purpose of constructing a School in Thonugal Village, Kariapatti Taluk, Virudhunagar District. Mr.S.Balamurugan, learned counsel for the petitioner submitted that in the lands donated by Late Mariappan Chettiar and his legal representatives, there are two schools in existence viz., Panchayat Union Elementary School and Panchayat Union Middle School. Though documents have been produced to show the extent of lands gifted by the said philanthropist, it is the statement of learned counsel for the petitioner that about 93 cents were gifted to the Panchayat Union. Under "Mahatma Gandhi national Rural Employment Guarantee Scheme", the Government had decided to construct Panchayat Service Centre for the benefit of public, in various panchayat level activities, such as, conducting training programmes, distribution of free articles and addressing the grievances of the villagers.

5. Material and record discloses that the Divisional Development Officer, Kariapatti Panchayat Union, Kariapatti, Virudhunagar District, vide proceedings in Na.Ka.Aa7/2835/2012, dated 15.12.2014, has granted administrative sanction for construction of a Panchayat Service Centre, in as many as 20 places, within the Taluk. Work Order has been issued in favour of one Mrs.Kalaiselvi, Secretary of Thonugal Panchayat, and construction of the Panchayat Service Centre is in progress. At this juncture, contending interalia that prospects of the School in getting it upgraded would be affected, if the School premises are used for putting up a Panchyat Service Centre, in addition to the existing overhead tank, water tank, the petitioner has filed the present writ petition.

6. Once the lands are gifted to the Panchayat, it is left to the Panchayat Union to decide, as to how the land could be used, for the best interest of the Villagers. Construction of a Panchayat Service Centre with the above said objectives, stated supra, would be useful to all the Villagers. No material has been placed before this Court, as to whether the Village Panchayat has made any requisition for upgradation. Having regard to the above, objection at this juncture, cannot be accepted for the construction of Panchayat Service Centre, which is beneficial to all the public.



7. For the reasons stated supra, the Writ Petition is dismissed.
No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Block Development Officer,
Kariapatti Panchayat Union,
Kariapatti,
Virudhunagar District.

3.The President,
Thonugal Village Panchayat,
Virudhunagar District.

+1cc to Mr.S.Balamurugan, Advocate in SR.21740

+1cc to the Special Government Pleader in SR.22160

W.P. (MD) No.6505 of 2015
23.04.2015

mpk

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