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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.11061 of 2013

R.Krishnasamy

... Petitioner

V.s

- 1.The Director,
Animal Husbandry Department,
Central Office Buildings,
Division 2, Chennai 6.
- 2.The Collector,
Virudhunagar District,
Virudhunagar.
- 3.The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.
- 4.The Tahsildar,
Sivakasi Taluk Office,
Sivakasi, Virudhunagar District.
- 5.The Block Development Officer,
Vembakottai Panchayat Union,
Vembakottai, Virudhunagar District.
- 6.The Assistant Director,
Rural Development, Collector Office Premises,
Virudhunagar, Virudhunagar District.
- 7.The Regional Director,
Animal Husbandry Department,
Virudhunagar, Virudhunagar District.
- 8.The General Manager,
BSNL, Virudhunagar, Virudhunagar District.
- 9.The President,
Kakkivadanpatti Panchayat,
Kakkivadanpatti Village,
Sivakasi Taluk,
Virudhunagar District.
- 10.N.Radhakrishnan
- 11.S.Alwarkannan

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 7th respondent to immediately take steps for handing over the building to the President Kakkivadanpatti Panchayat, directing the 11th respondent to pay Rs.4,08,050/- to the 9th respondent (the President Kakkivadanpatti Panchayat) along with interest at the rate of 12% per annum for the amount received as rent to the date of actual payment of amount to the 9th respondent, directing the 8th respondent to pay the rent for the building henceforth to the 9th respondent (the President, Kakkivadanpatti Panchayat) by entering into a fresh lease agreement with the President Kakkivadanpatti Panchayat, restraining the 8th respondent from paying the monthly rent to the 11th respondent and directing the 3rd respondent to cancel the patta No.233 in the name of President Kammavar Samuga Mahimai Fund Kakkivadanpatti.



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For Petitioner : Mr.R.Murugan
For Respondents 1-4,6&7 : Mr.A.K.Baskarapandian,
Special Government Pleader.
For 8th Respondent : Mr.K.Govindarajan
For 9th Respondent : Mr.M.Sureshkumar
For Respondents 10&11 : Mr.P.Srinivasan
For 5th Respondent : Mr.G.Muthukannan
ORDER

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

The first prayer made in the writ petition is to direct the seventh respondent to take steps for handing over the building to the President of Kakkivadanpatti Panchayat.

2.Mr.A.K.Baskarapandian, learned Special Government Pleader would submit that the building in question has already been handed over to the Panchayat on 29.05.2000 and produced the proceedings dated 29.05.2000 to that effect.

3.The second relief is to direct the 11th respondent to pay Rs.4,08,050/- to the 9th respondent (the President Kakkivadanpatti Panchayat) along with interest at the rate of 12% per annum for the amount received as rent. The said relief cannot be granted. If the ninth respondent has any right to get the amount, he can move before the appropriate forum for any compensation as contended above.

4.The third relief is to direct the eighth respondent to pay rent for the building to the ninth respondent by entering into a fresh lease agreement with the President, Kakkivadanpatti Panchayat. This is the issue between the eighth and ninth respondent and the same cannot be decided in the writ petition as a public interest litigation.

5.The fourth relief is to restrain the eighth respondent from paying monthly rent to the eleventh respondent. With regard to the said relief, no restrained order can be issued to the eighth respondent from paying rent to the eleventh respondent, because the eleventh respondent is a private party and it is the matter between the individual and a Panchayat, and the same should be settled between them. The Court will not intercede such a dispute between the parties.

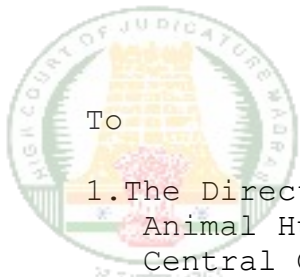
6.The fifth relief is to cancel patta No.233, stands in the name of Kammavar Samuga Mahimai Fund Kakkivadanpatti. It is also pleaded that some public building is being put to misuse. Cancellation of patta does not come within the scope of public interest litigation, as separate proceeding is prescribed by law.

7.For all the reasons stated above, we find no cause to entertain this writ petition as a public interest litigation. The writ petition is dismissed accordingly. No costs. Consequently, M.P(MD)No.1 of 2013 is closed.

Sd/-

The Assistant Registrar(co)

/True copy/



To

1. The Director,
Animal Husbandry Department,
Central Office Buildings,
Division 2, Chennai 6.
2. The Collector,
Virudhunagar District,
Virudhunagar.
3. The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.
4. The Tahsildar,
Sivakasi Taluk Office,
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8. The General Manager,
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9. The President,
Kakkivadanpatti Panchayat,
Kakkivadanpatti Village,
Sivakasi Taluk,
Virudhunagar District.

+1cc to Mr.K.Viralinathan, Advocate SR.No.50736

+1cc to Mr.P.Srinivas, Advocate SR.No.51015

+1cc to special Government Pleader SR.No.51322

mj

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Writ Petition (MD) No.11061 of 2013
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