

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.04.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.12609 of 2016

and

W.M.P.No.10885 of 2016

Mr.E.K.Deenadayalan Naidu,
Village Panchayat President
Kodur Village Panchayat,
Ponneri Taluk, Tiruvallur District.

...Petitioner

Vs

1. The District Collector,
Tiruvallur District.
Tiruvallur.
2. The Block Development Officer,
Minjur Panchayat Union,
Ponneri Taluk, Tiruvallur District.
3. The Tahsildar,
Ponneri Taluk Office
Ponneri -601 204,
Tiruvallur District.
4. The Revenue Inspector,
Ponneri Firka (Taluk)
O/o.,Ponneri Taluk Office
Ponneri -601 204,.
5. The Panchayat Secretary,
Kodur Village Panchayat,
Ponneri Taluk, Tiruvallur District.

- 6 Mr.Vinoth ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents 3 and 4 not to interfere with the construction of the Village Panchayat Service Centre in the petition property, bearing S.No.48/9, measuring an extent of 0.07.5 hectare (i.e) 0.18 1/2 acre, situate at Krishnapuram Village, hamlet of No.58, Thadaperumbakkam - I Revenue Village, Kodur Panchayat, Ponneri Taluk, Tiruvallur District, pursuant to the order of the first respondent, in Se.Mu.Ka.No.3302/2014/A4, dated 28.08.2015.

For Petitioner : Mr.R.Munuswamy
For Respondents1,3to5 : Mr.R.Lakshmi Narayanan
Addl.Government Pleader
For Respondent-2 : Mr.ERA Premnath

O R D E R

Heard Mr.R.Munuswamy, the learned counsel appearing for the petitioner, Mr.R.Lakshmi Narayanan, the learned Additional Government Pleader, accepting notice for respondents 1, 3 to 5 and Mr.ERA Premnath, the learned counsel, who accepts notice for second respondent. Since the main Writ Petition is taken up for final disposal at the stage of admission itself, and considering the nature of order, that is to be passed herein, this Court is of the view that the notice to sixth respondent could be dispensed with. Accordingly, notice to sixth respondent is dispensed with.

2. The petitioner is an elected President of the Village Panchayat, and he has approached this Court by way of this Writ Petition, on the ground that the sixth respondent is attempting to raise objection and preventing construction of the Village Panchayat Service Centre, which the petitioner/Panchayat proposes to construct in the property, comprised in S.No.48/9, measuring an extent of 0.07.5 hectare (i.e) 0.18 1/2 acre, situate at Krishnapuram Village, hamlet of No.58, Thadaperumbakkam - I Revenue Village, Kodur Panchayat, Ponneri Taluk, Tiruvallur District, pursuant to the order passed by the District Collector/first respondent.

3. The petitioner would state that, no written objection has been given by the sixth respondent, yet, he has raised objection, stating that the area, where, the said Centre is going to be established, has been earmarked as Park Area for a layout, termed as "Balaji Avenue". The petitioner would further state that the respondents 3 and 4, viz., the Tahsildar and the Revenue Inspector are fully aware that the lands have been classified as "Kalam Poramboke", and no private person can raise any objection for putting up construction, that too, for the Village Panchayat Service Centre. In any event, construction work is yet to commence, and it appears from the photographs produced by the learned counsel appearing for the petitioner for perusal of this Court that the building materials have been stocked in the area, and the foundation pits have been dug up in about seven places.

4. In the light of the above facts, the Tahsildar/third respondent should consider the nature of objection raised by the sixth respondent, conduct a spot inspection after notice to the

parties, and on verification of records, if it is found that there is no objection, then, he should authorize the petitioner/Panchayat to proceed with the construction work and should restrict the sixth respondent from making any objection. However, if the fact establishes that the sixth respondent's objection is justifiable, then, the Tahsildar/third respondent should issue necessary direction to the petitioner to implement this scheme approved by the District Collector/first respondent in a different location. Therefore, the Tahsildar/third respondent is required to do either one of the two exercises, as stated above, which should be done only after notice to the parties.

5. Accordingly, there will be a direction to the Tahsildar/third respondent, Ponneri Taluk, Tiruvallur District, to look into the matter, conduct spot inspection, verify necessary records, and after notice to the petitioner and the sixth respondent, take a decision in the matter in accordance with law. The said direction shall be complied with by the Tahsildar/third respondent, within a period of three months from the date of receipt of a copy of this order. Till then, the construction activities towards establishment of Village Panchayat Service Centre shall be kept in abeyance.

6. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.
sd

s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Tiruvallur District.
Tiruvallur.
2. The Block Development Officer,
Minjur Panchayat Union,
Ponneri Taluk, Tiruvallur District.
3. The Tahsildar,
Ponneri Taluk Office
Ponneri -601 204,
Tiruvallur District.

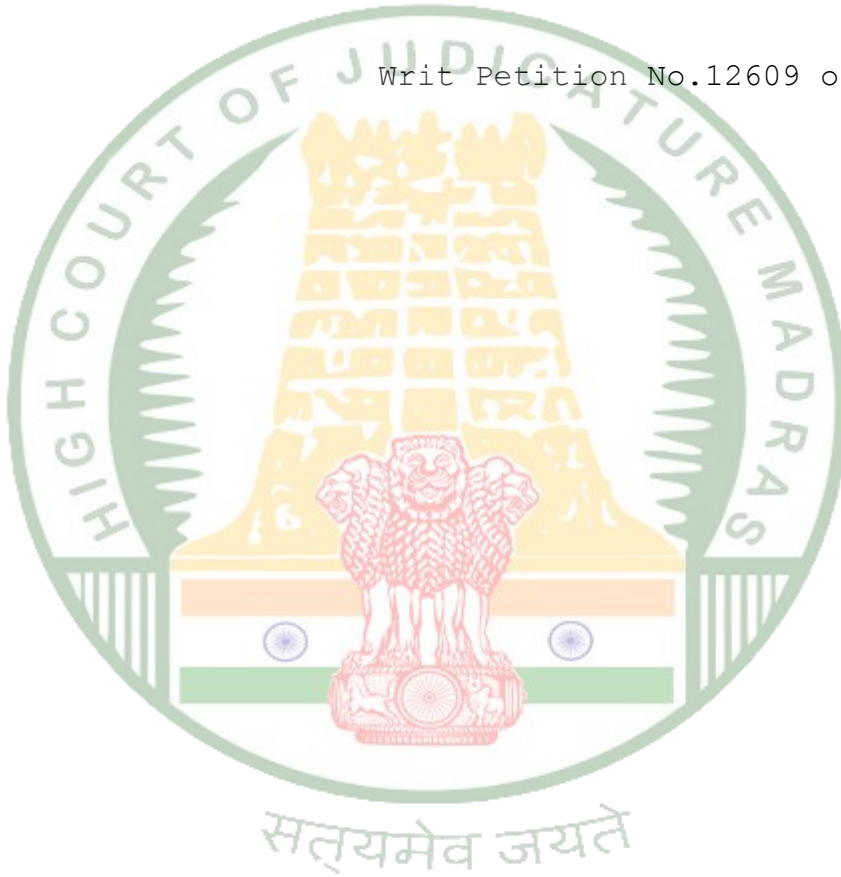
4. The Revenue Inspector,
Ponneri Firka (Taluk)
O/o., Ponneri Taluk Office
Ponneri -601 204, .
5. The Panchayat Secretary,
Kodur Village Panchayat,
Ponneri Taluk, Tiruvallur District.

+ 1 cc to Govt.Pleder SR 21280

+ 1 cc to Mr.R.Munusamy, Advocate SR 20928

vd(co)
prk22/4

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