

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.02.2016

Coram

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.1370 of 2016

&

W.M.P.No.1144 of 2016

R.Kannan

...Petitioner

Vs.

1.The District Collector
Villupuram District
Villupuram

2.The Block Development Officer
O/o the Block Development Officer
Thirunavalur Panchayat Union
Ulunderpet Taluk,
Villupuram District-607 204

3.The Panchayat President
Sirulapattu Panchayat
Thinuvalaur Post Ulunderpet Taluk,
Villupuram District

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of mandamus, directing the 3rd respondent to construct the Multipurpose Hall (Grama Panchayat Sevai Maiyam) at Sirulapattu Village, Thirunavalur Union, Ulunderpet Taluk, Villupuram District in the light of the 2nd respondent proceedings in Na.Ka.Aa.6/--/2015 dated 29.05.2015.

For Petitioner : Mr.T.Elumalai

For Respondents : Mr.R.Rajeswaran, AGP for R1
Mr.RAS.Senthilvel for R2&3

O R D E R

Petitioner has filed this writ petition to issue a writ of mandamus to direct the 3rd respondent to construct the Multipurpose Hall (Grama Panchayat Sevai Maiyam) at Sirulapattu Village, Thirunavalur Union, Ulunderpet Taluk, Villupuram District by taking into consideration the proceedings dated 29.09.2015.

2. By the said proceedings, guidelines have been laid down as to where the said center has to be located. The petitioner's case is that without following the same the 3rd respondent has constructed the center in a land which has been ear-marked as park. The learned counsel has produced the copy of layout which has been approved in proceedings 78/2005 and it is sated that the place which has been now chosen for construction has been reserved as a park site. The 2nd respondent has filed his counter affidavit contending that the Administrative sanction was obtained prior for the construction and it has been done after following the guidelines issued by the first respondent and in terms of Government Order in G.O.Ms.No.83 dated 19.07.2013. Further the 2nd respondent would state that there is no deviation in the site selected for VPSC construction and the site selection has been properly done and the Revenue Authorities has also certified the same.

3. In the light of the above contention, which is raised in the writ petition, this court is of the view that the District Collector should go into the issue as to whether the complaint given by the petitioner is sustainable and whether the allegations made thereunder are correct. This requires to be done since the 2nd respondent has taken a stand that all norms have been fully complied with. However, the petitioner's case is that the construction has been put up in the site which has been reserved as a park. Therefore, this is a fit case where appropriate direction should be issued so as to enable the 1st respondent to consider the entire matter.

4. For the above said reasons, the writ petition is disposed of by directing the petitioner to submit a representation along with the copy of this order to the 1st respondent enclosing the copies of the earlier representation and other records in his possession and such representation shall be given by the petitioner within a period of two weeks from the date of receipt of a copy of this order. Thereafter the 1st respondent shall call for appropriate reports from his Subordinates and shall pass an reasoned order on merits and in accordance with law and communicate the same to the petitioner within a period of four weeks from the date of receipt of the representation. No costs. Connected miscellaneous petition is closed.

s/d-

Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

1. The District Collector
Villupuram District
Villupuram
2. The Block Development Officer
O/o the Block Development Officer
Thirunavalur Panchayat Union
Ulundurpet Taluk,
Villupuram District-607 204
3. The Panchayat President
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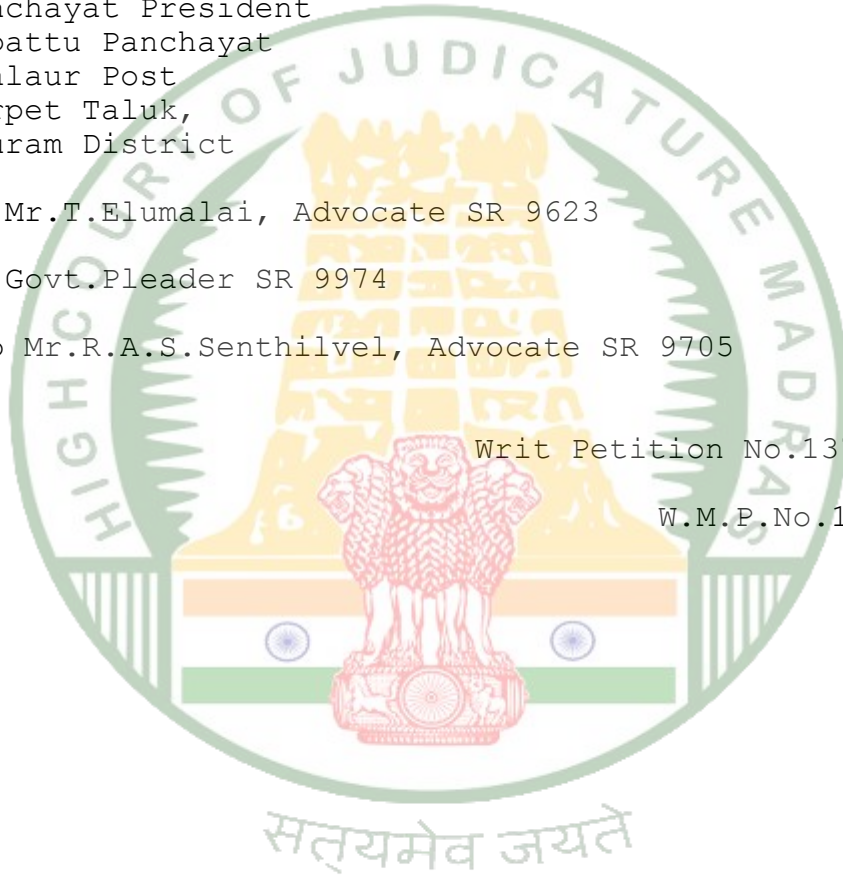
+ 1 cc to Mr.T.Elumalai, Advocate SR 9623

+ 1 cc to Govt.Pleader SR 9974

+ 2 ccs to Mr.R.A.S.Senthilvel, Advocate SR 9705

sr(co)
prk23/2

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