

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.28560 of 2014

Smt. C. Sumathi Chithambaranathan .. Petitioner

Vs.

1.The District Collector
Tiruvallur District
At Tiruvallur.

2.The Deputy Director
Agricultural Product sale and Market
Tiruvallur District.

3.The Revenue Divisional Officer
Tiruvallur
Tiruvallur District.

4.The Tahsildar
Tiruvallur Taluk
Tiruvallur District.

... Respondents

The writ petition is filed under Article 226 of the Constitution of India praying for the issue of a writ of mandamus, directing the respondents to consider the petitioner's representation, dated 18.8.2014 and thereby direct the respondents to construct a dry loft or godown in Kalam Poramboke Survey No.163/9, Adhikathur Village, Tiruvallur District, to store the grains and other agricultural products. सत्यमेव जयते

For Petitioner : M/s.A. Rajesh Kanna

For Respondents : Mr.K. Dhananjayan
Special Govt. Pleader

ORDER

Heard.

2. This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the respondents to construct a drying yard or godown, in the Kalam Poramboke, bearing Survey No.163/9, situated at Adhikathur Village, Tiruvallur District, for storing the grains and other agricultural products, by considering the

representation of the petitioner, dated 18.8.2014.

3. It has been stated that the petitioner is the President of Adhikatthur Village Panchayat, Tiruvallur District. The petitioner has stated that the necessary land had been identified by the Panchayat for the construction of a drying yard or godown, in Adhikathur Village, for storing the grains and other agricultural products.

4. However, the respondents have not taken appropriate action to construct the drying yard or godown, in spite of several representations having been sent on behalf of the petitioner.

5. At this stage of the hearing of the writ petition, a counter affidavit has been filed on behalf of the second respondent, dated 19.2.2015.

6. Paragraph No.2 of the counter affidavit reads as follows:-

"2. It is submitted that under TN-IAMWARM scheme, we are constructing storage godowns and Drying yards in river subbasin areas. In this regard, we have sought Enter upon permission from District Collector for allocation of government land to construct storage godown and drying yard in Survey No.163/9 of Adhikathur Village, Kadambathur Block, Tiruvallur District, vide this Office letter No.C/389/2013, dated 5.11.2013, based on the resolution passed during Gramasabha meeting held on 02.10.2013, District Collector has forwarded the proposal to the Tahsildar, Tiruvallur vide letter No.Na.Ka.No.22287/2013/NI, dated 21.11.2013, and 24.3.2013, to inspect and forward the proposal to Revenue Divisional Officer, Tiruvallur. Further, Tahsildar, Tiruvallur while addressing the District Revenue Officer, Tiruvallur, vide letter No. Na.Ka.No.12851/2014/B3, dated 22.8.2013, a copy has been marked to this office, in that letter the sight has been rejected on 22.8.2013, (copy enclosed) stating that approach road was in water course classification (Survey No.165/8) and suggested alternate site."

6. The learned counsel, appearing on behalf of the respondents had submitted that if an alternate site is identified and proposed by the petitioner panchayat, it would be considered by the respondents, for the construction

of a drying yard or godown, in Adhikathur Village, Tiruvallur District. The land proposed by the petitioner Panchayat cannot be considered, for the construction of a drying yard or godown, as the approach road to the said land, comprised in S.No.165/8, has been classified as a water channel.

7. In view of the said submissions made by the learned counsel, appearing on behalf of the respondents, this Court is of view that no further orders are necessary. Hence, the writ petition stands closed. However, it is made clear that it is open to the panchayat concerned to identify and propose the alternate sites for the construction of a drying yard or godown, in Adhikathur Village, Tiruvallur District.

8. On such proposal being made, the respondent concerned shall consider the same and pass appropriate orders thereon, as expeditiously as possible. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rnb

To

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Tiruvallur District
At Tiruvallur.

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Agricultural Product sale and Market
Tiruvallur District.

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Tiruvallur
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Tiruvallur Taluk
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1 cc to M/s.A.Rajeshkanna, Advocate, sr.46537

W.P.No.28560 of 2014

ala co
kra 15.09.2016