

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.06.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr.Justice R.MAHADEVAN

W.P.No.16966 of 2013

C.Elangarvannan ... Petitioner

Versus

1.The District Collector,
Namakkal District.

2.The Director of Animal Husbandry
and Veterinary Services,
Chennai.

3.The Regional Joint Director,
Animal Husbandry and Veterinary Services
Namakkal.

4.The Public Works Department,
rep. by its Chief Engineer (Buildings),
Chepauk, Chennai 600 005. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus, calling for the records relating to the order of the 2nd respondent dated 23.03.2013 in Roc.No.11630/Nab1/09-1, and quash the same and consequently direct the 2nd respondent to construct a new Veterinary Dispensary at Survey No.119/3 at Palamedu Village, Namakkal District.

For Petitioner ::: Mr.K.Selvaraj

For Respondents::: Mr.S.T.S.Murthi
Special Government Pleader
for R.1 to R.4

O R D E R

(The Order of the Court was made by The Hon'ble The Chief Justice)

The petitioner seeks a direction for construction of a new Veterinary Dispensary at S.No.119/3 at Palamedu Village, Namakkal District for which land has been donated and in principle the project has been approved, but it is alleged that at the last minute, it was shifted to the next Panchayat Union. The petitioner seeks quashing of the letter dated 23.03.2013 issued in that behalf shifting the dispensary.

2. In the counter affidavit filed by the second respondent, it is admitted that the Veterinary Dispensary was functioning in a building belonging to the village at Palamedu and it was proposed to construct a self-owned building out of the funds from NABARD in a place where the land is donated by the village people. The land was so donated, but a dispute arose between the two groups of the village for the location of the Dispensary. In view of these disputes, the funds were transferred to Veterinary Dispensary, Odakattupudur in order to avoid lapse of sanction of the funds by the NABARD. The Veterinary Dispensary at Palamedu thus continued in the old building.

3. We must unequivocally state that the decision of the authorities was thus a direct result of the dispute between the two groups of residents and was the correct decision.

4. The affidavit further states that the construction of the Veterinary Dispensary at Palamedu Village will be considered in future after the warring groups take a common stand and naturally on availability of funds since at the relevant time, funds were available from NABARD.

5. Learned counsel for the petitioner now states that since the land has been donated, the Veterinary Dispensary should be constructed there.

6. We are of the view that the aforesaid is an aspect which falls within the administrative domain of the respondents. If they feel that the Dispensary is still liable to be located on the land in question and if funds are available, they can always take necessary action in that behalf.

7. The writ petition accordingly stands closed, leaving the parties to bear their own costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ksr
To

1.The District Collector, Namakkal District.

2.The Director of Animal Husbandry and
Veterinary Services, Chennai.

3.The Regional Joint Director,
Animal Husbandry and Veterinary Services
Namakkal.

4.The Chief Engineer (Buildings),
Public Works Department,
Chepauk, Chennai 600 005.

+1cc to the Government Pleader, S.R.No.34395

AK(CO)
EU(12/07/2016)

सत्यमेव जयते

W.P.No.16966 of 2013

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