

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.37993 of 2016

D.Rajendran ... Petitioner

-vs-

1.The Principal Secretary to Government
of Tamil Nadu, Rural Development and
Panchayat Raj Administration,
Fort St. George, Secretariat,
Chennai 600 009.

2.The District Collector,
Kanchipuram District. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records of the impugned order vide Letter No.17859/PR-II/2016-5, dated 19.10.2016 on the file of the 1st respondent herein and to quash the same and consequently direct the 1st respondent to conduct a due and full fledged enquiry and dispose the appeal dated 18.07.2013 after granting an opportunity of hearing to the Villagers in the light of G.O. (D) No.131, RD & PR (C1) Department, dated 16.03.2007.

For Petitioner : Mr.D.Murthy

For Respondents : Mr.T.N.Rajagopalan
Spl. Govt. Pleader

O R D E R

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

The demand of No.147, Neervallur village for demerge from Ariyambakkam Village Panchayat, Walajabad Block, Kanchipuram District, has been rejected vide the impugned order dated

19.10.2016, which is sought to be assailed in the present writ petition filed under Article 226 of the Constitution of India.

2.We have heard the learned counsel for the petitioner and perused the impugned order.

3.Brief as the order may be, it records reasons why such bifurcation would not be administratively feasible. It has been observed that there are three habitations within the Panchayat and major revenue to Ariyambakkam village is being obtained in view of professional tax from the five private companies located there. All the basic amenities such as drinking water maintenance, provision of road facility and street lights to the Panchayat depend upon the professional tax collected from Neervallur village and thus, its bifurcation from the Panchayat cannot be done properly as the other areas would be left without basic amenities. Likewise, it is stated that if the industrial organisations functioning in Neervallur panchayat became sick and closed after Neervallur panchayat is formed, then that panchayat cannot run with the revenue collected from other taxes and the people of Neervallur would also suffer.

4.In view of the aforesaid position, it cannot be said that the reason is without any basis.

5.Learned counsel for the petitioner did seek to refer to the delimitation procedure filed along with the typed set where public hearing is contemplated before recommending a proposal to the Government. In the present case, however, there is no recommendation for bifurcation of the panchayat, but for the status quo.

6.For all the aforesaid reasons, we are of the view that there cannot be any insistence on behalf of the Neervallur village residents to mandately seek their bifurcation from the other areas, as it would not be administratively convenient and it is not for the Court to go beyond this and carry out the exercise of its bifurcation.

7.Writ petition, accordingly, stands dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

1.The Principal Secretary to Government
of Tamil Nadu, Rural Development and
Panchayat Raj Administration,
Fort St. George, Secretariat,
Chennai 600 009.

2.The District Collector,
Kanchipuram District.

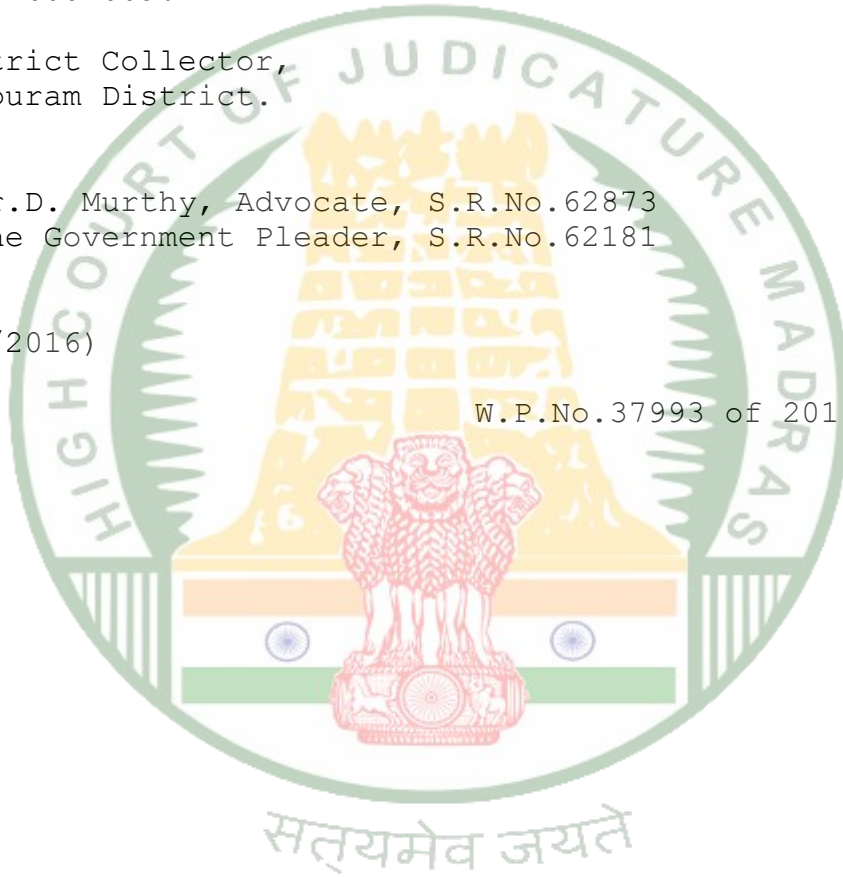
+lcc to Mr.D. Murthy, Advocate, S.R.No.62873

+lcc to the Government Pleader, S.R.No.62181

nmi (CO)

md (11/11/2016)

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