

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.8115 of 2016

and

WMP.No.7232 of 2016

A.Rangasamy

... Petitioner

Vs.

1. The Block Development Officer,
Veerapandi Panchayat Union,
Ariyanur, Salem Taluk, Salem District.
2. The Block Development officer (Village Panchayat)
Veerapandi Panchayat Union,
Ariyanur, Salem Taluk,
Salem District.
3. The District Collector,
Salem District, Salem.
4. The Project Director,
District Rural Development Administration Agency,
Salem.
5. The Director,
Rural Development and Local Administration,
Panagal Maaligai, Saidapet, Chennai 600 015.
6. State of Tamil Nadu represented by its
Secretary to the Government
Rural Development and Local Administration Dept,
Fort St. George, Chennai -9.
7. The President, Kalparapatti Panchayat,
Veerapandi Panchayat Union
Salem District 637 504.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to locate the proposed Village Panchayat Service Centre on the punja lands measuring an extent of 5 cents gifted by the petitioner to the Government in S.No.80/5B, Patta No.847, Kalparapatti Village, Salem Taluk, Veerapandi Sub Registration Office, Salem District.

For Petitioner : Mr.K.Selvaraj
For Respondents : Mr.P.Sanjay Gandhi, AGP

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to locate the proposed Village Panchayat Service Centre on the punja land measuring to an extent of 5 cents gifted by the petitioner to the Government in S.No.80/5B, Patta No.847, Kalparapatti Village, Salem Taluk, Veerapandi Sub Registration Office, Salem District.

2. It is the case of the petitioner that he is a resident of Kalparapatti Village, which is coming under Kalparapatti Panchayat, Veerapandi Panchayat Union, Salem District. Though in his village, several facilities are available, there is no Village Panchayat Service Centre, which co-ordinates all the Government services to the public due to lack of Government lands. While so, on coming to know about the location of Village Panchayat Service Centre at Sevampalayam Village of the same Panchayat on the poromboke land, the people in the petitioner's village agitated same on the ground that Sevampalayam village is situated at far-off place and to reach that place, one has to walk 1 1/2 km from Kombadipatti bus stand. Further, the villagers feel that if a Service Centre is located in their own village viz., Kalparapatti, it would be extremely useful to the entire public. Therefore, the villagers approached the petitioner and requested him to sell his 5 cents of land, which is lying in a centre place of their village and near the Primary Agricultural Co-operative Bank, for the purpose of Village Panchayat Service Centre. As he accepted the said demand, the villagers collected a sum of Rs.2,15,000/- and handed over the same to the petitioner. Thereafter, the petitioner along with the councilors of Kalparapatti Panchayat, approached the second respondent and informed about the proposed gift of the land to the Government for the purpose of constructing a Village Panchayat Service Centre on his land at Kalparapatti itself. Subsequently, as instructed by the second respondent, he executed a Gift Deed on 05.02.2016 in favour of the Governor of Tamil Nadu represented by the second respondent and the said gift deed was also registered as Document No.331/2016 on the file of the Sub Registrar, Veerapandi, Salem District. At that time, the second respondent has assured that he would take steps to move the files to construct a Service Centre in the land gifted by the petitioner on 05.02.2016.

3. It is the further case of the petitioner that the seventh respondent, who is the President of Kalparapatti Panchayat, did not like the act of gifting the land by the petitioner for the purpose of Panchayat Service Centre at

Kalparapatti and he started finding fault with the petitioner, which compelled the petitioner to approach the Councilors and informed the same. Immediately, the Village people led by one Elumalai and N.Ramachandran, Councilor of Ward -6 Kalparapatti Panchayat, took up the matter to the respondents by way of representations. While so, 'bhoomi puja' was performed at Sevampalayam village, which was agitated by the village people by conducting fasting, after getting permission from the police authorities. In fact, a special meeting was held on 19.02.2016 at Kalparapatti Panchayat and a resolution was passed to construct a Panchayat Service Centre in the land gifted by the petitioner to the Government. In spite of the same, some ground works are being made by the respondents at Sevampalayam. Hence, further representation was given to the respondents, informing about the locational advantage at the petitioner's village and the resolution passed by the Panchayat on 19.02.2016. However, till date, no action has been taken by the respondents. Therefore, the petitioner has filed the present petition for the above stated relief.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who took notice for the respondents.

5. Considering the facts and circumstances of the case, this Court permits the petitioner to submit a fresh representation narrating all the factual details and enclosing the relevant documents, if any, along with a copy of this order to the respondents within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents are directed to consider the same, by affording an opportunity of personal hearing to the petitioner as well as to all the necessary parties, if any and pass appropriate orders, within a period of twelve weeks thereafter. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the respondents to pass appropriate orders purely on merits and in accordance with law.

6. The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.
rk

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Block Development Officer,
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Ariyanur, Salem Taluk, Salem District.
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Rural Development and Local Administration,
Panagal Maaligai, Saidapet, Chennai 600 015.
6. Secretary to Government
Rural Development and Local Administration Dept,
Fort St. George, Chennai -9.

+ 1 cc to Mr.K.Selvaraj, Advocate SR 21170

+ 1 cc to Govt.Pleader, High Court, Madras SR 21310

bvr(co)
prk11/4

W.P.No.8115 of 2016

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