



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.10.2016**

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

AND

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P. [MD].No.19334 of 2016

and

W.M.P. (MD)No.13939 of 2016

S.Marimuthu @ Misa Marimuthu

: Petitioner

Vs.

1.The State represented by,

The Secretary,

Local Authority and Municipal Administration,

Fort St. George,

Chennai-600 009.

2.The District Collector,

Pudukottai, Pudukottai District.

3.The Director,

Town and Country Planning,

Sivagangai, Sivagangai Taluk.

4.The Commissioner,

Municipality,

Pudukottai, Pudukottai District.

5.The Chairman,

Municipality,

Pudukottai, Pudukottai District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the fourth and fifth respondents to consider the representation of the petitioner dated 28.09.2016 and to forbear them from giving effect to the resolution No.346, dated 22.01.2016 and to demolish the existing subsidized lodging rooms obtaining in the Pudukottai New Bus Stand and to convert the same into commercial buildings.

For Petitioner : Mr.V.Singan

For Respondents 1to3 : Mr.Aayiram K.Selvakumar,
Government Advocate

For Respondent No.4 : Mr.P.Mahendran

**O R D E R*************[Order of the Court was made by S.NAGAMUTHU, J.]**

The petitioner has come up with this Writ Petition by way of a Public Interest Litigation, seeking a direction to the respondents 4 and 5 to consider his representation dated 28.09.2016 and to forbear them from giving effect to the Resolution No.346, dated 22.01.2016, by which, the fourth respondent has decided to demolish the existing subsidized lodging rooms in Pudukottai New Bus Stand and to convert the same into commercial buildings.

2. This Public Interest Litigation has come up today for admission. We have heard the learned counsel for the petitioner and the learned Government Advocate, taking notice for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent. We have also perused the records carefully.

3. What is under challenge before this Court is the policy decision of the Municipality to convert the rooms available into a commercial complex. Unless it is brought to our notice that it is with any mala fide motive, we cannot interfere in such matter. After all, the Municipality is trying to augment the income for its welfare. Therefore, we do not find any merit in this Writ Petition. The Writ Petition is, therefore, dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (W)

/True copy/

Sub Assistant Registrar

To

- 1.The Secretary,
Local Authority and Municipal Administration,
Fort St. George, Chennai-600 009.
- 2.The District Collector, Pudukottai, Pudukottai District.
- 3.The Director,
Town and Country Planning, Sivagangai, Sivagangai Taluk.
- 4.The Commissioner, Municipality, Pudukottai, Pudukottai District.
- 5.The Chairman, Municipality, Pudukottai, Pudukottai District.

+1 CC to Mr.P.MAHENDRAN, Advocate, SR No.59953

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.59851

**Order made in
W.P. [MD].No.19334 of 2016****Dated: 05.10.2016**