

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2017

CORAM

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM
&
THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

WRIT PETITION NO.31166 OF 2017
AND
W.M.P.NOS.34211 & 34212 OF 2017

1.C.Palanimuthu,
2.P.Singaravelu,
3.R.V.Ramasamy,
4.L.Sriraman,
5.P.Sivaraman,
6.R.Anbarasan,
7.B.Mayilsamy,

...Petitioners

Vs.

1. State of Tamil Nadu,
represented by its Secretary to Government,
Revenue Department,
Secretariat, Chennai - 600 009.

2. The Commissioner of Land Administration,
Chepauk,
Chennai-600 005.

3. The Collector,
Salem District,
Salem.

... Respondent

Prayer: Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to establish the Taluk Office in the proposed place situated in Pethanayakanpalayam in S.Nos.166/14, 166/14A, 166/15A1, 166/15B1, 166/16, 166/17, 166/17A, 166/17B, 166/18-A1, 166/18-A2 to the extend 1.54.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.T.N.Rajagopalan
Government Pleader (i/c)

O R D E R

(Order of the Court was delivered by T.S.Sivagnanam, J.,)

Heard Mr. V. Elangovan, the learned counsel appearing for the petitioner and Mr. T.N. Rajagopalan, the learned Government Pleader (I/c.) for the respondents.

2. This Writ Petition has been filed, designed as a Public Interest Litigation, by the persons, who are native of Pethanayakkampalayam. The petitioner is an ex-member of the Legislative Assembly of Attur Constituency. It is submitted that the Government, vide its order, dated 05.01.2015, in G.O. (Ms).No.6 Revenue [R.A.1.(1)] Department, appointed a Three Member Committee to create 62 separate Taluks within three years. Subsequently, the Hon'ble Chief Minister made an announcement, in the Tamil Nadu State Legislative Assembly that the existing Attur Taluk in Salem District will be bifurcated into two Taluks, and new Pethanayakkampalayam Taluk will be formed. On the basis of the announcement made by the Hon'ble Chief Minister, the Government issued orders in G.O.(Ms.)No.6 Revenue [(R.A.1.(1)] Department, dated 05.01.2015, bifurcating Attur Taluk into two and the formation of the new Pethanayakkampalayam Taluk. The Headquarters of Pethanayakkampalayam Taluk was mentioned as Pethanayakkampalayam, and it is stated that, 18 Offices and Institutions are situated in Pethanayakkampalayam. After the formation of new Taluk, the Officials of the Government were rummaging for a suitable site to locate the Taluk Office for the purpose of constructing a building thereon. The petitioner has donated his land, measuring an extent of 1.39 acres, comprised in S.Nos.166/16, 166/17, 166/18-A, and 166/15B measuring an extent of 0.15 acres, in all, totally, 1.54 acres for the purpose of construction of the Taluk Office. The same was accepted and a gift deed was executed. Subsequently, pattas were transferred in the names of Tahsildar, in Patta No.1722 and the President of the Pethanayakkampalayam Panchayat in patta No.428.

3. Thus, the petitioner would state that, they were under fond hope that the Taluk Office would be constructed in Pethanayakkampalayam. However, a decision appears to have been taken to construct Taluk Office building at Ethapur, within the premises of the Leprosy Rehabilitation Centre, which is about 10 kilometres away from Pethanayakkampalayam. The Medical Officer of the Leprosy Rehabilitation Centre has addressed the Revenue Divisional Officer, Salem, stating that, the site proposed for construction is required for the establishment of Trauma Centre, and approved plan is pending under consideration before the Director of Medical and Rural Welfare Services. With these facts, the petitioner has submitted a representation before the

respondents, and since no action was initiated on the representation, the petitioners are before this Court.

4. From the documents placed in the typed-set of papers, filed in support of this Writ Petition, it is seen that there are sufficient official records to indicate that a decision has been taken to locate the Taluk Office building in Pethanayakkampalayam. It is not known, as to how, there has been change of venue, especially, when a gift deed has been executed and patta has also been transferred in the names of Tahsildar and the President of the Pethanayakkampalayam Panchayat, in patta Nos. 1722 and 428 respectively.

5. We are conscious of the restriction imposed in such type of matters to exercise power under Article 226 of the Constitution of India, not to interfere with the administrative decisions, especially, with regard to the location of Ration shop, Taluk Office, Bus stand, etc., However, the facts of the present case make us to take a slight departure, especially, when the Officials have accorded to the location of Taluk Office in Pethanayakkampalayam, and the gift of the land has been accepted. That apart, the change of location at Ethapur, is situated within the premises of Leprosy Rehabilitation Centre, which is about 10 kilometres away from Pethanayakkampalayam. It is stated that the area is required for expansion of the Hospital and approved plan is pending consideration before the Director of Medical and Rural Welfare Services. Therefore, we find that, this is a fit case, where, the second respondent should take a decision on the petitioner's representation and examine as to what would be in the interest of the public, and as to why, there should not be change of location/venue, etc., However, in the meantime, the respondents should not be permitted to undertake any construction at Ethapur, otherwise, issuing a direction to consider the petitioner's representation itself would be a futile exercise.

6. In the light of the above, this Writ Petition is disposed of, by directing the second respondent to consider the petitioner's representation, dated 31.08.2015, and pass appropriate orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. Till the representation is disposed of, and orders are passed, the respondents shall not commence any construction activity at Ethapur for the purpose of establishing Taluk Office. The petitioner is directed to enclose the copy of the representation with all other relevant records along with the copy of this order, and submit that same before the second respondent and the same shall be considered by the second

respondent, appropriate orders be passed within a period of two weeks from the date of submission of the such representation. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

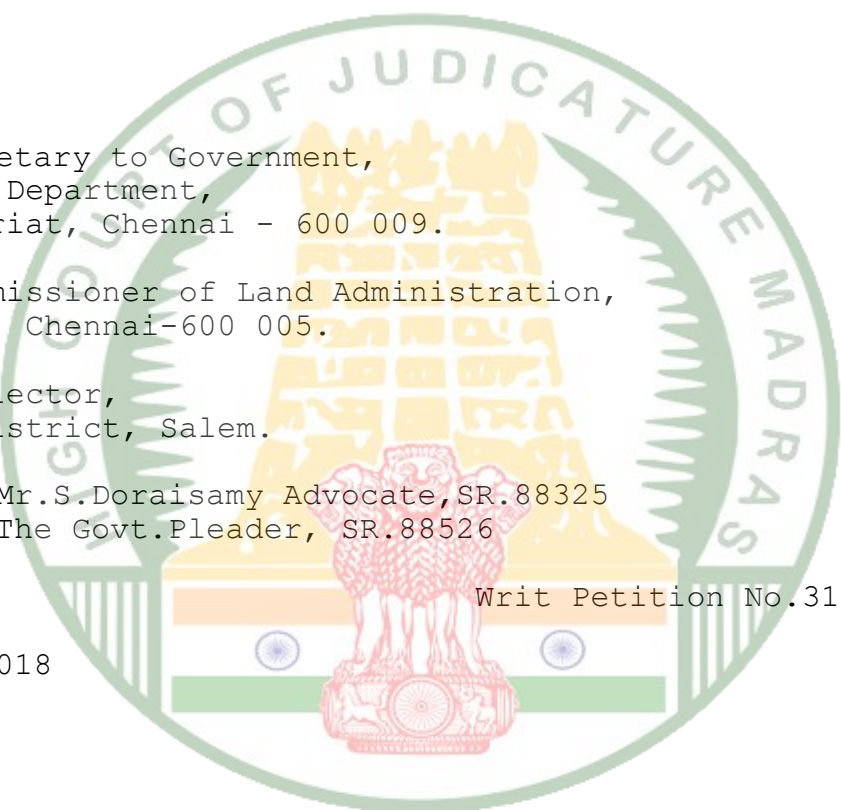
msm/sd

To

- 1.The Secretary to Government,
Revenue Department,
Secretariat, Chennai - 600 009.
 2. The Commissioner of Land Administration,
Chepauk, Chennai-600 005.
 3. The Collector,
Salem District, Salem.
- + 1 cc to Mr.S.Doraisamy Advocate,SR.88325
+ 1 cc to The Govt.Pleader, SR.88526

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nr 29/01/2018



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