



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2017

CORAM:

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THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.16342 of 2017
and
W.M.P. (MD) .No.13013 of 2017

M.Mahendran .. Petitioner

Vs.

- 1.The State, Rep by the Secretary,
Health and Family Welfare Department,
Chennai.
 - 2.The District Collector,
Tirunelveli.
 - 3.The Revenue Divisional Officer,
Tenkasi.
 - 4.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungampakkam, Chennai.
 - 5.The Joint Director,
Welfare Work, Medical & Rural Welfare Department,
Tirunelveli District.
 - 6.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Tirunelveli.
 - 7.The Executive Engineer,
Public Works Department,
Building Sub-Division,
Tirunelveli.
- .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the sixth respondents in its proceedings OM.No.6705/2017/E3, dated 10.07.2017 and quash the same with a further direction to the respondents to



construct the Taluk Government Hospital in Survey No.100 at Veerakeralamputhur in pursuance of the Government Order in G.O.Ms.No.233, dated 23.09.2016.

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For petitioner

: Mrs.Porkodi Karnan for
M/s.Polax Legal Solutions

For respondents

: Mr.M.Govindan
Special Government Pleader

O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

The petitioner filed this Writ Petition challenging the proceedings dated 10.07.2017, whereby and whereunder the Joint Commissioner refused to part with the temple land for construction of Taluk Government Hospital at Veerakeralamputhur.

2. We have heard the learned counsel appearing for the petitioner.

3. There is no dispute that the Government have taken a decision to upgrade the hospital at Veerakeralamputhur. The petitioner approached the District Collector and the other authorities for allotting suitable land for construction of the Taluk Government Hospital, Veerakeralamputhur. The local village welfare committee appears to have approached the sixth respondent to part with the land owned by Navaneethakrishnasamy Temple at Veerakeralamputhur for construction of Taluk Government Hospital. The Joint Commissioner, vide proceedings dated 10.07.2017, declined to grant permission to part with the temple land.

4. We do not see any illegality or irregularity in the said order warranting interference by exercising the power of judicial review. However, we make it clear that this order would not stand in the way of the petitioner from approaching the District Collector for the purpose of allotting suitable land for construction of Taluk Government Hospital at Veerakeralamputhur.

5. The Writ Petition is dismissed with the above observation. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/



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- 1.The Secretary to Government,
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Chennai.
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Tirunelveli.
 - 7.The Executive Engineer,
Public Works Department,
Building Sub-Division, Tirunelveli.
- +One cc to M/s.Polax Legal Solutions, Advocate, SR.No.75846

NB

RL/9C/3P/GT/SAR1/11/9/2017

ORDER MADE IN

W.P. (MD) No.16342 of 2017