



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2017

CORAM

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THE HON'BLE MR.JUSTICE M.VENUGOPAL
and
THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD) No.21541 of 2017

A.Selvam

.. Petitioner

Vs.

1. The District Collector,
Pudukkottai District,
Pudukkottai.
2. The Block Development Officer,
Viralimalai Union,
Pudukkottai District.
3. T.Palanichamy
4. N.Muthusamy
5. Karuppaiah

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the Second Respondent to comply with the order passed by the First Respondent vide his proceedings in O.Mu.No.5711/2017/Thi 1 (Development), dated 30.08.2017 and to take appropriate action accordingly.

For Petitioner : Mr.V.Selva
For R1 & R2 : Mr.T.R.Janarthanan
Additional Government Pleader

O R D E R

(Order of the Court was made by M.VENUGOPAL,J.)

Heard the Learned Counsel for the Petitioner and the learned Additional Government Pleader for the Respondent Nos.1 and 2.

2.No counter is filed on behalf of the official Respondents. By consent, the main Writ Petition itself is taken up for final disposal.

<https://hcservices.ecourts.gov.in/hcservices/>

3.To avoid an avoidable delay, notice to the Respondent Nos.3

to 5 is dispensed with in the interest of Justice.

4.The version of the Petitioner is that he is an Agriculturist and in a small village, there are considerable number of agricultural labourers and their income is an agricultural one and they live below the poverty line. A Television room was constructed by the Panchayat Union 15 years ago and earlier that room was utilised by Panchayat for broadcasting Television visuals in the village to update the current affairs of the country and for entertaining the public by broadcasting cultural programmes, dramas and other informative programmes etc.

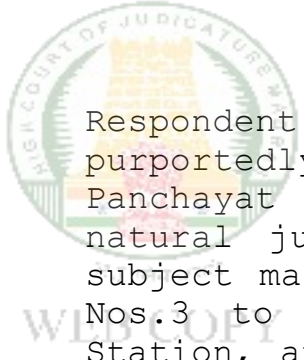
5.While so, on 29.07.2017, at about 6.00 p.m. suddenly, the Respondent Nos.3 to 5 (T.Palanichamy; N.Muthusamy and Karuppaiah) of the Petitioner's village without any permission had demolished the Television room constructed by the Panchayat, out of the Government fund with the help of Pocklain heavy vehicle and no permission was granted to the Respondent Nos.3 to 5. Further, they had not even intimated the same either to the First Respondent/Inspector of Panchayat nor the Second Respondent/Block Development Officer, Viralimalai Union, Pudukkottai District. In short, the Respondent Nos.3 to 5 had acted in high handed fashion and they do not have any right either to destroy or demolish a Government building. The Petitioner has filed the present Writ Petition praying for passing of an order by this Court in directing the Second Respondent to comply with the order passed by the First Respondent/District Collector, Pudukkottai District, dated 30.08.2017.

6.At this stage, this Court on perusal of the office letter note of the First Respondent/District Collector, dated 30.08.2017, addressed to the Second Respondent with a copy being marked to the Petitioner points out that the Petitioner's petition, dated 02.08.2017 in the subject matter in issue was forwarded to the Second Respondent and he was advised to give a reply. Since there was no reply from the Second Respondent, the Petitioner has filed the instant Writ Petition seeking necessary relief thereto.

7.It comes to be known that the Second Respondent/Block Development Officer, Viralimalai Union, Pudukkottai District, had taken action in the subject matter in issue by addressing a communication dated 04.08.2017 to the Inspector of Police, Mandaiyur Police Station, whereby and where under, necessary action was prayed for against the Respondent Nos.3 to 5. The fate of the result of the said communication of the Second Respondent, dated 04.08.2017, addressed to the Inspector of Police, Mandaiyur Police Station, is not known. As such, it cannot be said by any stretch of imagination that the Second Respondent had not taken any action in the subject matter in issue.

<https://hcmvces2015.gov.in/hcmvces2015>

8.Considering the fact that in the present case, the



Respondent Nos.3 to 5 had taken the Law into their hands and purportedly demolished the Television room constructed by the Panchayat Union, this Court, based on equity, fair play and natural justice, directs the Second Respondent to take up the subject matter of demolition of Television room by the Respondent Nos.3 to 5 before the Inspector of Police, Mandaiyur Police Station, and to see that the Respondent Nos.3 to 5 are dealt with in accordance with criminal law. If the Inspector of Police, Mandaiyur Police Station, finds that if any prima facie case is made out against the Respondent Nos.3 to 5 for demolition of the Television room in question, then he can register a criminal case in accordance with the relevant provisions of the Indian Penal Code etc.

9. With the aforesaid Direction(s) and Observation(s), the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Pudukkottai District,
Pudukkottai.
2. The Block Development Officer,
Viralimalai Union,
Pudukkottai District.

+ 1 CC TO Mr.N.ANANDAKUMAR, ADVOCATE IN SR No. 88959
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 89106

RJ2

TE/MR-KKR/SAR-1 : 19/12/2017 : 3P/5C

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22.11.2017