



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2017

CORAM:

**THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

**W.P. (MD)No.22193 of 2017
and
W.M.P. (MD)No.18498 of 2017**

P.Selvakumar : Petitioner
Vs.

1.The Director of Public Library,
No.737/1, Anna Salai,
LLA Building,
Chennai-600 002.

2.The District Collector,
Office of the District Collectorate,
Nagercoil,
Kanyakumari District.

3.The District Library Officer,
District Library Office,
Nagercoil,
Kanyakumari District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying this Court for issuance of a Writ of Mandamus, forbearing the Respondents from conducting the functions of private parties in the public library in Thodukulam Government Library premises near Kancherenkodu in Vilavancode Taluk, Kanyakumari District.

For Petitioner : Mr.Fazil,
For Mr.T.Lajapathi Roy
For Respondents : Mr.G.Muthukkannan,
Government Advocate

O R D E R

[Order of the Court was made by **M.VENUGOPAL, J.**]
Heard both sides.

<https://hcservices.courts.gov.in/hcservices> 2. No. 18498 of 2017 is filed on behalf of the Respondents 1 to 3.

3. By consent, the main Writ Petition itself is taken up for

final disposal at the stage of admission.

4. According to the Petitioner, in the year 2002, he had purchased an extent of 03.75 Cents of land for the welfare of the Club and constructed a building. Later, he had executed a gift deed in respect of the afore-said property on 15.02.2005 to an in favour of the District Government Library for establishing a Library for the welfare of the public to develop general knowledge and educational skills of the students. But, unfortunately, many untoward incidents happened in the Government Library, due to political disagreements and personal enmities and now, the Government Library has become a place for anti-social elements. Also that, the criminal activities took place inside the Library premises under the guise of cultural functions organized by the individuals without obtaining prior permission from the Library Authorities.

5. At this stage, the Learned Counsel for the Petitioner refers to Section 10 of the Tamil Nadu Public Libraries Act, 1948, which enjoins under the caption '**Vesting of properties in local library authorities:**' as under:-

"All property, movable and immovable acquired or held for the purpose of any public library in any area shall vest in the local library authority of that area."

6. As on date, the representation of the Petitioner dated 09.11.2017 addressed to the second Respondent/District Collector, Nagercoil, Kanyakumari District is pending. In this connection, the Learned Government Advocate appearing for the Respondents informs this Court that even though the representation is dated 09.11.2017 addressed to the second Respondent/District Collector, Nagercoil, Kanyakumari District, the same was sent on 15.11.2017 through Registered Post and within a short span of time, the Petitioner has approached this Court by filing the instant Writ Petition seeking necessary relief thereto.

7. Considering the fact that the Petitioner's representation dated 09.11.2017 addressed to the second Respondent/District Collector, Nagercoil, Kanyakunari District is pending as on date, at this stage, this Court, without going into the merits and demerits of the contents of the representation dated 09.11.2017, simpliciter, in the interest of justice, fair play, equity, good conscience and even as a matter of prudence, directs the second Respondent/District Collector, Nagercoil, Kanyakunari District, to look into the representation of the Petitioner dated 09.11.2017 with all seriousness and earnestness and to pass a reasoned speaking order on merits, of course, after providing necessary opportunity to the Petitioner and others concerned, if any, by adhering to the Principles of Natural Justice, within a period of four weeks from the date of receipt of copy of this order. If any personal hearing is required by the Petitioner, then that kind of opportunity may also be provided to the Petitioner by the second Respondent.



8. With the aforesaid observation(s)/direction(s), the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Director of Public Library,
No.737/1, Anna Salai,
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2. The District Collector,
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Nagercoil,
Kanyakumari District.

3. The District Library Officer,
District Library Office,
Nagercoil,
Kanyakumari District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 91473

+1cc to Mr.T.LAJAPATHI ROY Advocate in SR. No. 91087

SML

JS/SV.MMS/SAR.4/14.12.2017/3P-6C

**Order made in
W.P. (MD) No.22193 of 2017**

Dated: 05.12.2017