

;IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2018

CORAM

THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.4261 of 2018

1. A.Vembusekaran
2. A.Muthuselvan .. Petitioners

Vs.

1 State of Tamilnadu
By its Secretary to Government
Municipal Administration & Water Supply Dept.
Secretariat, Fort St. George Chennai-9.
2 The Commissioner of Municipal Administration
Ezhilagam, Chepauk
Chennai-5.
3 The Commissioner
Rasipuram Municipality
Namakkal District. .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Prohibition prohibiting the respondents from considering the issue of merger of Chandrasekarapuram Village Panchayat with Rasipuram Municipality without reference to the views of the residents of Chandrasekarapuram Village Panchayat.

For Petitioner : Mr.J.Srinivasa Mohan

For Respondents : Mr.T.N.Rajagopalan
Government Pleader
for respondents 1 and 2

Mr.E.Manoharan
Addl. Government Pleader
for 3rd respondent

ORDER
(Made by Ms.Indira Banerjee, Chief Justice)

In this writ petition, the petitioners have sought an order restraining the respondents from considering the issue of merger of Chandrasekarapuram Village Panchayat with Rasipuram Municipality, without reference to the views of the residents of Chandrasekarapuram Village Panchayat. The petitioners claim to have given a representation objecting to the merger plan proposal.

2. Whether a village panchayat should be merged with a municipality or not is not a matter for the Court to decide in a public interest litigation.

3. The learned Government Pleader points out that the documents, including the newspaper report annexed to the writ petition, indicate that there is only a proposal of merger, which has not been finalised.

4. Since the proposal has not been finalised, the writ petition is premature. Even otherwise, as observed above, whether merger is expedient or not is not for the Court to decide. Needless to mention that the merger shall be effected in accordance with law, in compliance of the applicable Rules, if the authorities choose to proceed with the merger.

The writ petition is dismissed. No costs. Consequently, W.M.P.Nos.5240 and 5241 of 2018 closed.

Sd/-

Assistant Registrar (CS-VI)

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Sub Assistant Registrar

sasi

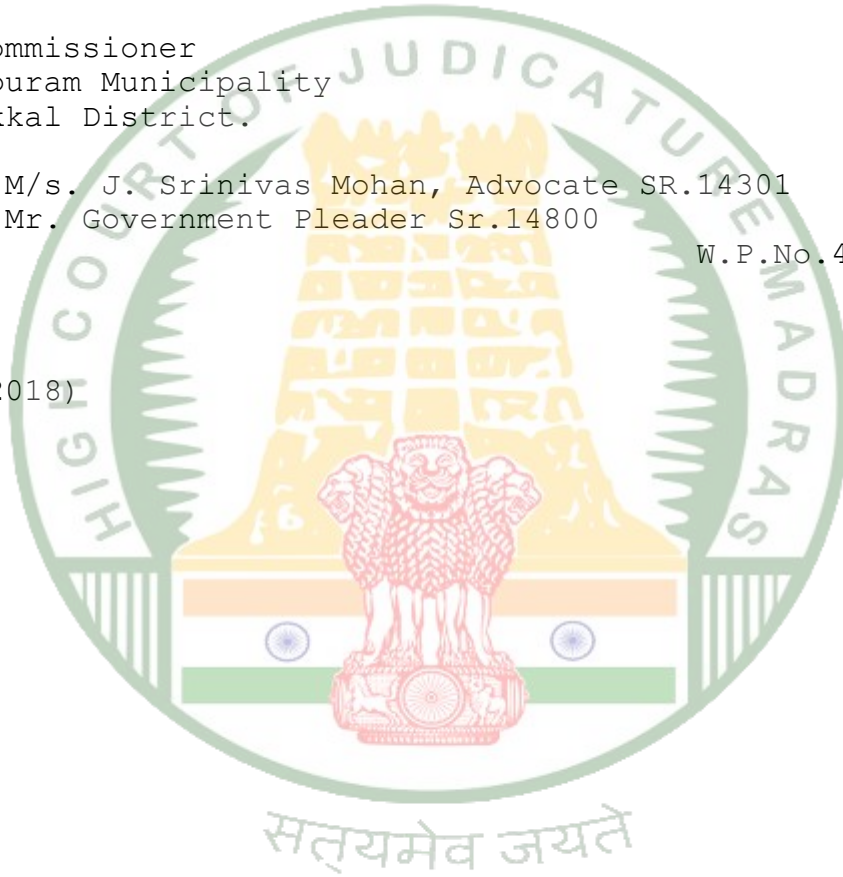
To:

- 1 The Secretary to Government
State of Tamilnadu
Municipal Administration & Water Supply Dept.
Secretariat, Fort St. George Chennai-9.
- 2 The Commissioner of Municipal Administration
Ezhilagam, Chepauk
Chennai-5.
- 3 The Commissioner
Rasipuram Municipality
Namakkal District.

+ 1 cc to M/s. J. Srinivas Mohan, Advocate SR.14301
+ 1 cc to Mr. Government Pleader Sr.14800

W.P.No.4261 of 2018

MP(CO)
EU(12/04/2018)



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