

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2018

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE ABDUL QUDDHOSE

W.P. No.368 of 2018

S.Bhupathi

.. Petitioner

-vs-

1.The Director of Town Panchayats,
Kuralagam, Chennai-1.

2.The District Collector,
Krishnagiri.

3.Asst. Director of Town Panchayats,
Dharmapuri Zone, Dharmapuri.

4.Uthangarai Town Panchayat,
Rep. by its Executive Officer,
Uthangarai, Krishnagiri District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to consider the petitioner's representation dt.08.11.2017 for maintaining the public property comprised in Survey No.95/1 (Old S.No.9/1) in Uthangarai Town Panchayat, measuring 1400 Sq. Metre with building, by the 4th respondent for public usage on reasonable rent, without leasing out to any outsiders including any trust or association or individual in any manner, by taking necessary action based on the 3rd respondent's communication in Na.Ka.No.3293/2017/TP3 dated 17.11.2017 to the 4th respondent, within a reasonable time to be fixed by this Court.

For Petitioner : Mr.R.Neelakandan for
Mr.P.Rajavel

For Respondents : Mr.E.Manoharan,
Addl.G.P.

* * * * *

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

This writ petition by way of public interest litigation has been filed seeking orders on the concerned respondents to maintain the public property being S.No.95/1 (Old S.No.9/1) in Uthangarai Town Panchayat measuring 1400 sq.metres.

2.On behalf of the respondents, it is submitted, on instructions, that some persons had encroached upon the said property, where a marriage hall had been constructed by the Panchayat and had started running the marriage hall. The encroachers have, however, been removed and the panchayat has taken possession of the marriage hall.

3.The petitioner is seeking directions on the respondent authorities to maintain the hall and to let it out on rent. Learned Additional Government Pleader submits that decision has not yet been taken as to whether the marriage hall will be leased out on long term basis or be rented out for individual functions by the respondents themselves.

4.The writ petition is premature. Policy decisions with regard to mode and manner of use of properties belonging to the Panchayat cannot be taken by this Court. It is, however, expected that the authorities concerned would act in best public interest and in the event of the hall is either leased out or rented out, the respondents will act in compliance with the principles enshrined in Article 14 of the Constitution of India.

The writ petition is dismissed with the above observation. No costs.

Sd/-

ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

sra

To

1.The Director of Town Panchayats,
Kuralagam, Chennai-1.

2.The District Collector,
Krishnagiri.

3.Asst. Director of Town Panchayats,
Dharmapuri Zone, Dharmapuri.

4.The Executive Officer,
Uthangarai Town Panchayat,
Uthangarai, Krishnagiri District.

+1 cc to the Government Pleader, High Court, Chennai SR.NO. 3117

W.P.No.368 of 2018

NM(CO)
JK 05/02/18



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