

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2018

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THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.27846 of 2017

and

W.M.P.No.29872 of 2017

C.Sankar

...Petitioner

Versus

- 1.The State of Tamil Nadu,
Rep.by its Principal Secretary to Government,
Rural Development & Panchayat Raj Department,
Secretariat, Fort St.George, Chennai - 600 009.
 - 2.The State of Tamil Nadu,
Rep.by its Principal Secretary to Government,
Revenue Department,
Secretariat, Fort St.George,
Chennai - 600 009.
 - 3.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
 - 4.The District Revenue Officer,
Thiruvannamalai District,
Thiruvannamalai.
 - 5.The Block Development Officer,
Keelpennathur Panchayat Union,
Keelpennathur,
Thiruvannamalai District.
- ... Respondents

Prayers: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, forbearing the respondents from demolishing the residential quarters and removal of valuable trees in the land in S.No.80/5, Keelpennathur Village, Keelpennathur Taluk, Thiruvannamalai District belong to the office of Block Development Officer, Keelpennathur Panchayat Union and consequently direct the respondents to reconstruct the residential quarters for the staffs working in Panchayat Union Office Head Quarters.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.S.Diwakar
Special Government Pleader, for R1 to R4

Mr.S.V.Durai Solaimalai, for R5

O R D E R

This writ petition has been filed for issuance of writ of mandamus forbearing the respondents from demolishing the residential quarters and removal of valuable trees in the land in S.No.80/5, Keelpennathur Village, Keelpennathur Taluk, Thiruvannamalai District and for a direction to the respondents to reconstruct the residential quarters for the staffs working in Panchayat Union Office Head Quarters.

2. Heard Mr.G.Sankaran, learned counsel appearing for the petitioner, Mr.S.Diwakar, learned Special Government Pleader appearing for the respondents 1 to 4 and Mr.S.V.Durai Solaimalai, learned counsel appearing for the fifth respondent.

3. The former Panchayat Union Councillor of Keelpennathur Panchayat Union, has come up with the present writ petition contending that the land in S.No.80/5 was acquired in the year 1960 for the purpose of constructing the Block Development Office. Subsequently, the Block Development Office and seven residential quarters were also constructed for the staff working in BDO office. The residential quarters had become dilapidated condition, so, it was decided to remove the old construction and reconstruct a new residential quarters and when the proposals were pending, suddenly, the land in BDO office campus was sought to be utilized by the respondents, for the purpose of Taluk Office of Revenue Department. He further stated that the land was purchased for the use of Block Development Office, but, now the land is likely to be transferred to the Revenue Department. Hence, the present writ petition.

4. In the counter affidavit filed by the fourth respondent, it has been stated that the land in S.No.80/5 has an extent of 1.77.5 hectares and it has been classified as Government Poramboke Land - Panchayat Union Office. Overhead Tank and residential quarters, in Kilpennathur Village

accounts. In that land, besides Panchayat Union Office, a host of buildings have been constructed for accommodating Women's Self-help Group Computer Room, Cement Godowns, Agricultural Department's Seed Processing Centre, Shed, Park and six residential quarters. The residential quarters constructed on the north-east side of the area are not in use for long time. Now, there is a proposal to construct a Taluk Office Building to an extent of 0.67.5 hectares, out of 1.77.5 hectares in S.No.80/3, and it has been sub divided and now, the land is classified as Government Poramboke Land - Taluk Office Building.

5. It is further stated that the Kilpennathur Panchayat, vide resolution No.33, dated 06.01.2017, passed a resolution to the effect that the Panchayat has no objection to construct the Taluk Office Building in S.No.80/5. It is further stated that the petitioner who is the former councillor of the Panchayat Union, has no locus standi to file a writ petition.

6. The learned counsel appearing for the petitioner, vehemently contended that the land was purchased for the use of Block Development Office and resolution was already passed for construction of residential quarters in the land, hence, the land cannot be utilised for construction of Taluk Office.

7. The learned Special Government Pleader, appearing for the respondents 1 to 4 submitted that the residential quarters were not kept unused for long number of years, therefore, they have been demolished and the trees in the land allotted for Taluk Office Building were already cut and removed. The petitioner has no locus standi to oppose the decision.

8. In the instant case, I am not able to agree with the submission of the learned counsel for the petitioner for the reasons that indisputably, though the land was said to have been purchased for the use of Block Development Office, the other Government Offices viz., Agricultural office, Teacher's Co-operative Society, Assistant Educational Officer's Office, Block Statistical Office, Integrated Nutritious Meals Centre are already functioning. If the Taluk Office is also housed in the same campus, it would certainly benefit the general public. Further the proposal is to construct Taluk Office in the land measuring an extent of 0.67.5 hectares and the remaining area could be used for other purposes. The petitioner except claiming to be Former Councillor of Panchayat Union Concillor, no materials have been produced to show his interest involved in this Writ Petition.

9. In the light of the above facts, I find no merits in this writ petition. The writ petition fails and the same stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Principal Secretary to Government,
The State of Tamil Nadu,
Rural Development & Panchayat Raj Department,
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- 2.The Principal Secretary to Government,
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Revenue Department,
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- 4.The District Revenue Officer,
Thiruvannamalai District,
Thiruvannamalai.
- 5.The Block Development Officer,
Keelpennathur Panchayat Union,
Keelpennathur,
Thiruvannamalai District.

+1 CC to Mr.G.Sankaran, Advocate Sr.No.792

+1 CC to Government Pleader, High Court, Chennai Sr.No.1148

W.P.No.27846 of 2017

VGI (CO)

KP(06/02/2018)

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