

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2018

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The Honourable Mr. Justice S.M.SUBRAMANIAM

W.P.No.8333 of 2015
and
WMP.Nos.1 & 2 of 2015

Sivagiri Town Panchayat, ...Petitioner

Vs

1.The Senior Superintendent of Post Offices,
Erode Division, Erode, Erode District.

2.The Director of Town Panchayat,
Kuralagam, Parry's, Chennai.

3.The District Revenue Officer,
Erode, Erode District. ... Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the 1st respondent from constructing compound wall in S.No.736/18, Sivagiri Village, Erode District and consequently direct the 1st respondent to accept the Sivagiri Town Panchayat offer for handing over the Panchayat Land situated in S.No.738/3A, Sivagiri Village for construction of the Post Office.

For Petitioner : Mr.C.Prakasam
For R1 : Mr.G.Karthikeyan
Asst. Solicitor General of India
For R2 & 3 : Mr.M.Elumalai
Government Advocate

O R D E R

The relief sought for in this writ petition is forbearing the first respondent from constructing compound wall in S.No.736/18, Sivagiri Village, Erode District, and to further direct the first respondent to accept the Sivagiri Town Panchayat offer for handing over the Panchayat Land situated in S.No.738/3A, Sivagiri Village for construction of the Post Office, in that particular location.

2.The relief sought for in the present writ petition is innocuous and no such relief can be granted in the this writ petition, in view of the fact that the construction of compound wall in respect of the premises belonging to the Postal Department can never be restrained by the writ petitioner/Panchayat. It is an admitted fact that the land was allotted to the Postal Department long back and is in possession of the Postal Department. Now, the Postal Department has decided to construct a compound wall for the purpose of commencing further construction for Postal Department.

3.Under these circumstances, the learned counsel appearing on behalf of the writ petitioner made a submission that the writ petitioner/Panchayat had already handed over the said property in favour of the Postal Department and now they are finding it difficult to run the Panchayat in the limited premises available. Therefore, alternative proposals have been submitted by the Director of the Town Panchayat, stating that they are ready to part with the opposite land situated in Sl.No.736/18, in favour of the postal Department and in lieu of the said alternate land, the postal Department shall re-convey the land in favour of the Panchayat Union. Such a proposal, if at all submitted by the writ petitioner/panchayat can never be adjudicated in the writ proceedings under Article 226 of the Constitution of India. These are all policy decisions to be taken by the authorities competent, and this Court cannot provide suggestions or opinions in respect of such policy decisions. The policy decisions in respect of providing a land for the purpose of construction of a Post Office or otherwise, has to be taken at the administrative level and it is an administrative propagative of the Department concerned. All such policy decisions sought to be taken, of course, shall be in the interest of public and for efficient public administration. However, this aspect cannot be considered by this Court in a writ proceedings. It is left open to the writ petitioner to submit a representation and if they are of the opinion that such a policy decision is required to be taken in the interest of public, it is left open to the authorities competent to consider the same, in accordance with law.

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4. Therefore, Court is of an opinion that the relief as such sought for can never be granted in a writ proceedings. Accordingly, the writ petition is devoid of merits and stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are dismissed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

stm/nmm

To

1. The Senior Superintendent of Post Offices,
Erode Division, Erode, Erode District.
2. The Director of Town Panchayat,
Kuralagam, Parry's, Chennai.
3. The District Revenue Officer,
Erode, Erode District.

+1cc to Mr.G.KARTHIKEYAN, Advocate, S.R.No.45487
+1cc to Mr.C.PRAKASAM, Advocate, S.R.No. 45578
+1cc to the Government Pleader, S.R.No.46615

W.P.No.8333 of 2015

MR(CO)
TR(27/07/2018)

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