

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 02.02.2018
CORAM
The HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.1790 of 2018
and WMP.No.2219 of 2018

Sankar

.. Petitioner

vs.

- 1.The Chief Secretary,
St. George Fort,
Secretariat,
Chennai-9.
- 2.The Chief Election Officer (Panchayat),
No.208/2, Jawaharlal Nejr Salai,
Arumpakkam,
Chennai-106.
- 3.The Secretary for Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Street,
Chennai - 106.
- 4.The District Collector,
Collectorate,
Cuddalore District,
Cuddalore - 1.
- 5.The Deputy Director (Panchayat),
Office of the Deputy Director,
Cuddalore - 1.
- 6.The Tahsildar,
Taluk Office,
Panruti,
Cuddalore District.
- 7.The Block Development Officer,
Union Office,
Panruti.

.. Respondents

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PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to set up or to create a separate village panchayat for S.Earipalayam village, Panruti Taluk, Cuddalore District.

For Petitioner : Mr.K.Srinivasan
For Respondents : Mr.E.Manoharan
Addl. Government Pleader
for respondent Nos.1, 3 to 7

ORDER

(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 a writ of mandamus directing the respondents to set up and/or create a separate Village Panchayat for S.Earipalayam Village, Panruti Taluk, Cuddalore District.

2. There is not a whisper in the affidavit in support of the writ petition to any provision of law under which the villagers can claim a separate Village Panchayat as of right.

3. Appearing on behalf of respondent Nos.1, 3 to 7, Mr.E.Manoharan, learned Additional Government Pleader, has drawn our attention to a letter Na.Ka.A.4/968/2014, dated 26th December, 2017 from the Assistant Director (Panchayats), Cuddalore to the petitioner, the contents whereof are set out hereinbelow:

"With reference to (2) cited in the above reference it was stated that the S.Eripalayam Village situated within the Panchayat limit of Siruvathur and Semakottai to separate it and form a new panchayat and to announce about it which was intimated through the letter 2nd above referred.

While, in the process separating, merging and up grading the organisation of local administration as mentioned in the reference 1st cited above the procedure laid down therein, while forwarding their opinion/proposals of the District Collectors to the Government are instructed to following the following procedures.

With the Head of the District Collectors the first meeting should be convened, and the notices in this regard to be sent to all the Members of Legislatures, Member of Parliament, and Elected Members at the rural and Suburban local Organisations, all the District Secretaries of

Recognised political parties, the reputed Voluntary Service organizations and Residential Welfare Associations. The public should be intimated about this meeting through local media. With regard to the restrictions of boundary, the know about the details to submit along with required forms and resolution passed by the Presidents of local administration and it is informed that they are given one month time to decided in this regard.

Therefore, it is informed that as soon as the People representatives are elected in the local organization, as per the above said Government Order to form a new Panchayat to S.Eripalayam Village, appropriate proceedings will be initiated."

4. Prima facie the writ petition discloses no cause of action. A writ petition lies for violation of constitutional right, legal right or may be in some exceptional cases even equitable right. The writ petition does not disclose infringement of any right.

5. The writ petition is not entertained and the same is dismissed. No costs. Consequently, WMP.No.2219 of 2018 is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

bbr

To:

1.The Chief Secretary,
St. George Fort,
Secretariat,
Chennai-9.

2.The Chief Election Officer (Panchayat),
No.208/2, Jawaharlal Nejr Salai,
Arumpakkam,
Chennai-106.

3.The Secretary for Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Street,
Chennai - 106.

4.The District Collector,
Collectorate,
Cuddalore District,
Cuddalore - 1.

5.The Deputy Director (Panchayat),
Office of the Deputy Director,
Cuddalore - 1.

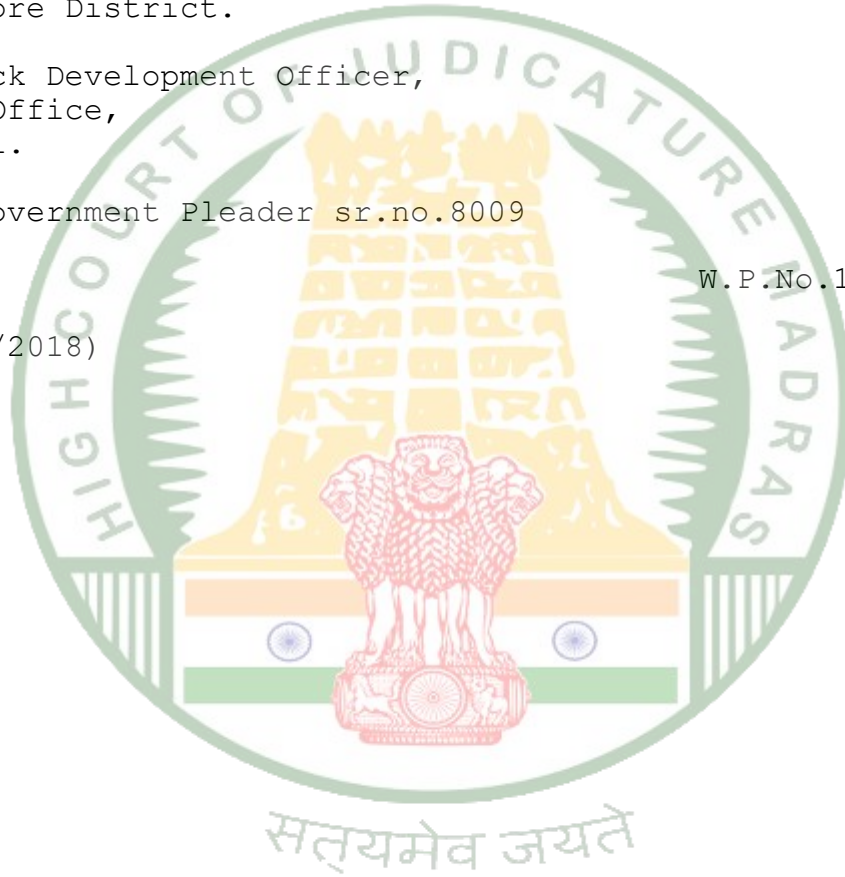
6.The Tahsildar,
Taluk Office,
Panruti,
Cuddalore District.

7.The Block Development Officer,
Union Office,
Panruti.

+1cc to Government Pleader sr.no.8009

W.P.No.1790 of 2018

kk(co)
GSP(17/02/2018)



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