

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

and

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.19840 of 2018

M.Kumar

... Petitioner

Vs.

1.The Government of Tamilnadu
Represented by its Secretary,
Rural Development and Panchayat Raj Department
Fort St. George, Chennai - 600 009.

2.The Director of Rural Development Department
Panagal Building,
Saidapet, Chennai - 600 015.

3.The District Collector,
O/o Collectorates Office,
Dharmapuri District,
Dharmapuri.

4.The Assistant Director (Panchayats),
Dharmapuri District,
Dharmapuri.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for a Writ of Mandamus, directing the respondents to implement the Government order dated 14.09.2013 passed in G.O.Ms.No.127 by Rural Development and Panchayatraj (PR-II) Department with regard to Kadathur and Erriyaur Panchayat Union, within stipulated time pursuant to the representation dated 07.07.2018.

For Petitioner : Mr.V.Govardhanan

For Respondents : Mr.T.N.Rajagopalan
Government Pleader.

ORDER

(Order of this Court was made by S.MANIKUMAR, J.)

Contenting inter alia that Government of Tamil Nadu, have issued G.O.(Ms).No.127, Rural Development and Panchayat Raj (PR-II) department, dated 14.09.2013, bifurcating Pennagaram panchayat development block and created two new development blocks, namely, Erriyur and Kadathur panchayats, for which, necessary Gazette Notification, dated 14.09.2013, has been issued, but there is a delay in implementing the said G.O., the petitioner is stated to have sent a representation, dated 07.07.2018, to the Hon'ble Chief Minister, State of Tamil Nadu and others. Contending further that the said representation has not been considered, the petitioner has filed the instant writ petition, for a Mandamus, directing the respondents to implement G.O.Ms.No.127, Rural Development and Panchayat Raj (PR-II) Department, dated 14.09.2013, with regard to Kadathur and Erriyur Panchayat Union, within the stipulated time, pursuant to the representation dated 07.07.2018.

2. Perusal of impugned G.O.(Ms).No.127, Rural Development and Panchayat Raj (PR-II) department, dated 14.09.2013, shows that directions have been issued, to publish a notification, both in English and Tamil, notifying the intention of the Government of Tamil Nadu, to declare the local areas. Notification reads thus:-

"APPENDIX NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 15 of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994), the Governor of Tamil Nadu hereby notifies his intention to declare the local areas specified in the Table below, now part of Pennagaram Panchayat Development Block, to be a separate Panchayat Development Block namely, Eriyur Panchayat Development Block and to constitute for the said Panchayat Development Block, a Panchayat Union namely, Eriyur Panchayat Union. The formation of above Panchayat Union will come into effect only at the time of the next ordinary elections to local bodies.

2. Any inhabitant of the said local area desiring to object to anything contained in this Notification may submit his/her objection in writing to the Government within six weeks from the date of publication of this Notification in the Tamil Nadu Government Gazette, and

that any objection which may be received from such inhabitant of the local area with respect thereto before the expiry of the period aforesaid will be duly considered by the Government of Tamil Nadu. Objections in writing, if any, should be addressed to the Principal Secretary to Government, Rural Development and Panchayat Raj Department, Secretariat, Chennai-600 009.

THE TABLE

Name of the Village Panchayat	Name of Revenue Villages
1	2
	Names of Revenue Village in Perumbalai Revenue Firka in Pennagaram Revenue Taluk of Dharmapuri Revenue Division.
1. Badrahalli	Badrahalli
2. Gendeyanahalli	Gendeyanahalli
3. Perumbalai	Perumbalai
	Names of Revenue Villages in Sunjalnatham Revenue Firka in Pennagaram Revenue, Taluk of Dharmapuri Revenue Division.
4. Ajjanahalli	Ajjanahalli
5. Dhonnakuttahalli	Dhonnakuttahalli Sidumabahalli
6. Kodihalli	Kodihalli
7. Manjarahalli	Jarimankurichi Manjarahalli Solapadi
8. Nagamarai	Nagamarai
9. Ramakondahalli	Ramakondahalli
10. Sunjalnatham	Sunjalnatham Dhinnabellur.

C.V.SANKAR
Principal Secretary to Government"

3. In the said notification issued, pursuant to G.O.Ms.No.127, Rural Development and Panchayat Raj (PR-II), Department, dated 14.09.2013, it is specifically stated that formation of the panchayat, namely, Pennagaram Revenue Taluk of Dharmapuri Revenue Division, will come into effect only at the time of the next ordinary elections to local bodies.

4. It is the case of the petitioner, G.O.(Ms).No.127, Rural Development and Panchayat Raj (PR-II) department, dated 14.09.2013, has not been implemented. But pursuant to the abovesaid G.O., objections have been invited.

5. Inviting the attention of this Court to G.O.(Ms).No.176, Rural Development and Panchayat Raj, dated 09.12.2013, Mr.T.N.Rajagopalan, learned Government Pleader submitted that, G.O.(Ms).No.127, Rural Development and Panchayat Raj (PR-II) department, dated 14.09.2013, has been implemented, after considering the objections of the inhabitant. Thereafter Government, have issued G.O.(Ms).No.176, Rural Development and Panchayat Raj, dated 09.12.2013, for formation of two new panchayat unions, namely (i) bifurcation of the Pennagaram Panchayat Union and (ii) Morappur Panchayat Union in Dharmapuri District, under the Tamil Nadu Panchayats Act, 1994, reiterating the stand that bifurcation would come into effect only at the time of next elections to local bodies.

6. We have perused the copy of G.O.(Ms).No.176, Rural Development and Panchayat Raj, dated 09.12.2013, and that the same shall form part of the record. Prayer sought for, in the instant writ petition No.19840 of 2018, is for a Mandamus, directing the respondents to implement G.O.Ms.No.127, Rural Development and Panchayat Raj (PR-II) Department, dated 14.09.2013, with regard to Kadathur and Erriyur Panchayat Union, within the stipulated time, pursuant to the representation dated 07.07.2018.

7. Even in G.O.(Ms).No.127, Rural Development and Panchayat Raj (PR-II) department, dated 14.09.2013, Government have made it clear that formation of new panchayat unions, bifurcation of Pennagaram Panchayat Union and Morappur Panchayat Union in Dharmapuri District, would come into effect only at the time of next ordinary elections to local bodies.

8. Both in G.O.(Ms).No.127, Rural Development and Panchayat Raj (PR-II) department, dated 14.09.2013, and in the subsequent G.O.(Ms).No.176, Rural Development and Panchayat Raj, dated 09.12.2013, Government of Tamilnadu, have made it clear that bifurcation will come into effect, at the time of elections. Notification of the Government, that bifurcation will come into effect at the time of next election, has not been challenged by

the petitioner. Question is whether the Government have acted in terms of the abovesaid G.O., dated 14.09.2013. Contention of the petitioner that G.O.(Ms).No.127, Rural Development and Panchayat Raj (PR-II) department, dated 14.09.2013, has not been implemented, is not correct. The said G.O., has been acted upon and bifurcation has been made, stating that it would come into effect, at the time of next ordinary election to local bodies. Going through the material on record, we are of the view that the said G.O.(Ms).No.127, Rural Development and Panchayat Raj (PR-II) department, dated 14.09.2013, has been implemented.

9. Mandamus sought for in W.P.No.19840 of 2018, directing the respondents to implement G.O.Ms.No.127, Rural Development and Panchayat Raj (PR-II) Department, dated 14.09.2013, with regard to Kadathur and Erriyur Panchayat Union, within the stipulated time, pursuant to the representation dated 07.07.2018, cannot be granted.

10. Accordingly, writ petition is dismissed. No Costs.

Sd/-

Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

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To

1.The Secretary,
Government of Tamilnadu
Rural Development and Panchayat Raj Department
Fort St. George, Chennai - 600 009.

2.The Director of Rural Development Department
Panagal Building,
Saidapet, Chennai - 600 015.

3.The District Collector,
O/o Collectorates Office,
Dharmapuri District,
Dharmapuri.

4.The Assistant Director (Panchayats),
Dharmapuri District,
Dharmapuri.

+1cc to Government Pleader SR.No.56921

W.P.No.19840 of 2018

GM(04/09/2018)