

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2018

CORAM :

THE HON'BLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P. No.24216 of 2006

K.Rukmani ... Petitioner

Vs.

1.The State of Tamil Nadu
Rep by Secretary
Local Administration Department
Fort St. George, Chennai - 9.

2.The District Collector
Namakkal District
Namakkal.

3.P.Murugesan ... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the second respondent herein in his proceedings Na. Ka. 22831/2006(L3) dated 6.7.06 and quash the same.

For Petitioner : Mr.M.Sudhakar

For Respondent : Mr.E.Manoharan [For R1 & R2]
Additional Government Pleader

Mr.S.Kamadevan [For R3]

O R D E R

The order dated 06.07.2006 passed by the second respondent /District Collector, Namakkal district is under challenge in this writ petition by the writ petitioner.

2.The collector, while considering the application submitted by the writ petitioner, made a submission that request of the writ petitioner cannot be considered, on account of the fact that it is an Odai Poramboke and no residents were available in the particular locality. Thus, the public money cannot be wasted in Odai Poramboke. Such being the findings of the District Collector in the impugned order, the findings of the District Collector cannot be found fault with, in view of the fact that the public money cannot be wasted of laying a road where there is no residences. The public money has to be utilized judiciously and by making proper assessment of the situation. Laying of the roads has to be undertaken based on the needs and the residences available in that particular locality. Thus, the assessment made by the District Collector is on merits and based on the situation prevailing in that particular locality.

3.More so, now after a lapse of 11 years the developments took place in that particular locality is also not informed. Under these circumstances, it is for the District Collector to make an assessment, considering the present prevailing circumstances and take a decision on merits.

4.With these observations, the writ petition stands dismissed. However, there is no order as to costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Secretary
Local Administration Department
Fort St. George, Chennai - 9.

2.The District Collector
Namakkal District, Namakkal.

+1cc to Mr.S.Kamadevan Advocate SR.No.4066

+1cc to the Government Pleader, High Court, Madras SR.No.483

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SDR 17.02.2018