

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

W.P.No.32055/2018 & WMP.No.37303/2018

S.Bhupathi .. Petitioner

Vs

1 The Director of Town Panchayats
Kuralagam, Chennai-1.

2 The District Collector,
Krishnagiri.

3 The Assistant Director of Town Panchayats
Dharmapuri Zone, Dharmapuri.

4 The Executive Officer
Uthangarai Town Panchayat
Uthangarai, Krishnagiri District.

5 The Tahsildar
Uthangarai Taluk
Krishnagiri District.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st respondent to take a decision on the petitioner's representation dated 31.10.2018 as to the usage of the property comprised in S.Bo.95/1 [Old S.No.9/1] in Uthangarai Town Panchayat, measuring 1400 sq.metre with building as wedding hall under the direct maintenance of the 4th respondent based on its stability condition without constituting any Committee by the 2nd respondent.

For Petitioner : Mr.P.Rajavel

For Respondents: Mr.K.S.Suresh, GA

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition is taken up for final disposal and is disposed of by the following order. Mr.K.S.Suresh, learned Government Advocate accepts notice on behalf of the respondents.

2 The petitioner was the former Chairman of Uthagarai Town Panchayat during the years 2011 - 2016 and claims that he is interested in protecting the properties belonging to the 4th respondent - Panchayat and came forward to file the present writ petition styled as ''Public Interest Litigation''.

3 According to the petitioner, the property comprised in S.No.95/1 [Old S.No.9/1], at Uthangarai Town Panchayat, admeasuring to an extent of 1400 sq.m., absolutely belongs to the Local Body and on the said property, a superstructure in the name and style ''Victoria Memorial Hall and Reading Room'' came into existence and since some attempts were made to encroach upon the said property, the petitioner, being the President of the Local Body at the relevant point of time, took active steps to prevent the same. The grievance now expressed by the petitioner is that though the Tender was floated by the Local Body on 19.09.2018 to renovate the said building which was used as a Marriage Hall, attempts are being made to hand over the same to the third parties without any public interest and the representations dated 11.10.2018 and 31.10.2018 respectively submitted in that regard, had failed to invoke any kind of response and hence, the petitioner came forward to file the present writ petition.

4 The learned counsel for the petitioner has invited the attention of this Court to the order dated 24.10.2017 made in WP.No.5580/2017 [V.Saminathan Vs. The District Collector, Krishnagiri District and 7 others] as well as to the yet another order dated 12.01.2018 made in WP.No.368/2018 filed by the petitioner herein against the respondents herein and would submit that despite a direction that has been passed in the latter writ petition expecting the authorities to act in best public interest, the Local Body is not doing so and therefore, the petitioner is constrained to approach this Court, by filing the above petition.

5 Per contra, Mr.K.S.Suresh, learned Government Advocate appearing for the respondents on instructions, would submit that the Tender process is yet to be finalised and after the superstructure / building is renovated, the Local Body is going to use it for public purpose and therefore, the apprehension expressed by the petitioner in the form of alleged

public interest litigation, is wholly unfounded and prays for the dismissal of the writ petition.

6 The Court has considered the rival submissions and also perused the typed set of documents placed before it.

7 In the light of the submission made by the learned Government Advocate appearing for the respondents, this Court is of the considered view that the apprehension expressed by the petitioner, as on date, does not exist. In the light of the stand taken by the Local Body that after finalisation of Tender and renovation, it is going to be used purely for public purpose, this Court is of the view that no further orders are necessary as of now in this writ petition.

8 In the result, the writ petition is closed. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

AP

To

- 1 The Director of Town Panchayats
Kuralagam, Chennai-1.
- 2 The District Collector, Krishnagiri.
- 3 The Assistant Director of Town Panchayats
Dharmapuri Zone, Dharmapuri.
- 4 The Executive Officer
Uthangarai Town Panchayat
Uthangarai, Krishnagiri District.
- 5 The Tahsildar
Uthangarai Taluk
Krishnagiri District.

+1cc to Mr.P.Rajavel, Advocate, S.R.No. 83790
+1cc to the Government Pleader, S.R.No. 84479

WP.No.32055/2018

RK(CO)
GN(02/01/2019)