



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2018

CORAM:

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**THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA**

W.P(MD)No.419 of 2018

Meiyappan

... Petitioner

Vs.

1. The State of Tamil Nadu Rep by
The Principal Secretary,
Municipal Administration and water supply,
Secretariat,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Municipal Administration,
State of Tamil Nadu,
Office of the Commissioner of Municipal Administration,
Chepauk, Chennai - 600 005.
3. The Director of Public Libraries,
Directorate of Public Libraries,
L.L.A. Building,
737/1, Anna Salai,
Chennai - 600 002.
4. The Commissioner,
Madurai Corporation,
Aringar Anna Maligai,
Madurai - 625 002.
5. The District Collector,
Office of the District Collector,
Madurai District,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent Nos.1 to 3, to direct the respondent Nos. 4 and 5 to demolish the repaired unused toilet, subsequently to allot the same place or other place for functioning Part-Time public library situated at Meenambal puram, B.B.Kulam Revenue Village, Madurai north taluk, Madurai District on the basis of considering his representation dated 23.10.2017.



For Petitioner : Mr.R.Alagumani
For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader for R.1 to 3 & R.5
: Mr.T.S.Mohammed Mohideen,
Standing Counsel for R.4

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ORDER**(Order of the Court was made by M.SATHYANARAYANAN, J.)**

The petitioner claims that he is the organiser of "Thiruvalluvar Mandram" and also a public spirited person. It is the claim of the petitioner that after long struggle the area people of Meenambalpuram, B.B.Kulam, Revenue village, Madurai North Taluk, Madurai District, got a part time library. The necessary permission was also accorded by the District Library Officer Incharge, Madurai, vide proceedings in Na.Ka.No.1259/A/2014, dated 28.04.2014.

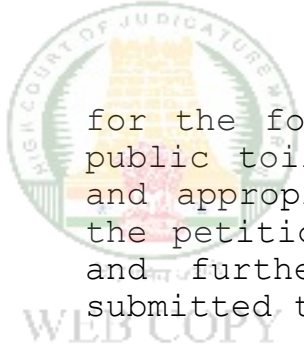
2. It is the specific case of the petitioner that he fulfilled all the conditions, except condition No.6 and since the part time library is sought to be established purely on account of public interest, he submitted a representation to the fifth respondent on 23.10.2017, praying for allotment of a place, in which an unused toilet is located and the local Member of Parliament also undertakes to provide funds for construction of the part time library, after demolition of the existing toilet.

3. Mr.R.Alagumani, learned counsel appearing for the petitioner would submit that the establishment of part time library is purely in public interest to educate the public and develop the reading habit. However, a technical objection is raised on the ground that as per the conditions imposed by the District Library Officer Incharge, Madurai, a place should be identified for building the own structure and since the public spirited persons like the petitioner lacks necessary funds, they pray for allotment of land in which unused toilet is located, so that it can be demolished and with the help of the Member of Parliament, local area development funds can be utilized for constructing a superstructure for the part time library and hence, prays for appropriate orders.

4. Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the respondents 1 to 3 & 5 would submit that admittedly, the petitioner is very well aware of the condition No.6 of the proceedings of the District Library Officer Incharge, Madurai, dated 28.04.2014 and having accepted the condition, it is not open to the petitioner to turn back and say something opposite and the remedy open to the petitioner if any, is to purchase a piece of land to locate the part time library.

<https://hcservices.ecourts.gov.in/hcservices/>

5. Mr.T.S.Mohammed Mohideen, learned Standing Counsel appearing



for the fourth respondent would submit that as per the records, a public toilet is located and unless the relevant entry is altered and appropriate proceedings are passed for handing over the site, the petitioner, as a matter of right, cannot ask for the said place and further in this regard, no representation has also been submitted to the fourth respondent.

6. In response to the said submission, the learned counsel appearing for the petitioner would submit that in the light of the stand taken by the learned counsel appearing for the fourth respondent, the petitioner may be permitted to submit a fresh representation and with a further direction directing the fourth respondent to consider the same in accordance with law at an early date.

7. This Court has considered the rival submissions and also the materials placed on record.

8. The District Library Officer has accorded permission vide proceedings, dated 28.04.2014, to locate the part time library and the only impediment according to the petitioner is that, he and other public spirited persons are not having enough funds or resources to purchase a plot of their own. This Court, taking into consideration the above facts and circumstances and without going into the merits of the case projected by the petitioner, permits the petitioner to submit a detailed representation to the fourth respondent as to the request to allot the place / site on which, the public toilet is located, within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, the fourth respondent is directed to consider the said representation on merits and in accordance with law and pass appropriate orders, within a further period of eight weeks thereafter and communicate the decision taken to the petitioner.

9. The Writ Petition stands disposed of accordingly. No costs.

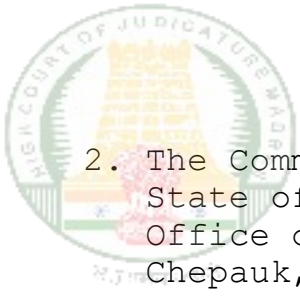
Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary,
State of Tamil Nadu,
Municipal Administration and water supply,
Secretariat, Fort St. George,
Chennai - 600 009.



2. The Commissioner of Municipal Administration,
State of Tamil Nadu,
Office of the Commissioner of Municipal Administration,
Chepauk, Chennai - 600 005.

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3. The Director of Public Libraries,
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4. The Commissioner,
Madurai Corporation,
Aringar Anna Maligai,
Madurai - 625 002.

5. The District Collector,
Office of the District Collector,
Madurai District, Madurai.

+ 1 CC TO Mr.T.S.MOHAMED MOHIDEEN, ADVOCATE IN SR No. 41374
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 42234

MS/SSL

TE/MR/SAR-3 : 01/02/2018 : 4P/8C

W.P (MD) No.419 of 2018
10.01.2018