

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 09.03.2018

CORAM:

WEB COPY

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

W.P(MD)No.5047 of 2018
and
W.M.P(MD)No.5014 of 2018

T.Chinnadurai

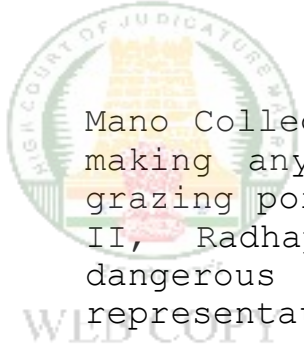
... Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Sub Collector,
Chearan Mahadevi,
Tirunelveli District,
Tirunelveli.
3. The Tahsildar,
Radhapuram Taluk,
Radhapuram,
Tirunelveli District.
4. The Registrar,
Manonmaniam Sundaranar University,
Abisekapatti,
Tirunelveli,
Tirunelveli District.
5. The Executive Officer,
Town Panchayat,
Panakudi,
Radhapuram Taluk,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to select any other alternative and suitable location, preferably the said 5 acres of land in Survey Nos.460 and 461 of Panakudi Village, near Government Higher Secondary School, Panakudi, Radhapuram Taluk, Tirunelveli District for the construction of New



Mano College and consequentially, restraining the respondents from making any new construction pertaining to Mano College in the grazing poramboke land in Survey No.371 of Panakudi Village Part - II, Radhapuram Taluk, Tirunelveli District, since it is a dangerous jungle area by considering the petitioner's representation dated 14.12.2017.

For Petitioner : Mr.S.R.Anbarasu

For Respondents : Mr.A.K.Baskarapandian,
Special Government Pleader for R.1 to R.3

Mr.Mahabook Athiff,
for M/s.Ajmal Associates for R.4

Mr.C.Ramar,
Government Advocate for R.5

ORDER

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

Mr.A.K.Baskarapandian, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3 and Mr.C.Ramar, learned Government Advocate accepts notice on behalf of the fifth respondent.

2. By consent, the writ petition is taken up for final disposal.

3. The present writ petition styled as a Public Interest Litigation is filed by the petitioner, who claims to be a social worker and according to him, the land in S.No.371 of Panakudi Village Part II is classified as *Meichal* poramboke [grazing land] and a small water body is also there and it is located about 5 Km., away from Panakudi village and according to the petitioner, on account of the topography of the said land, there is heavy movement of wild animals. The petitioner expresses the grievance that the Government Mano College was functioning in the Middle School from the year 2010 and thereafter, it was shifted to Veterinary College Complex and suddenly, steps have been taken to shift the said college to S.No.371 and objecting to the same, there were dharnas and agitations held by the residents of the said village and a representation dated 14.12.2017 was also submitted to the respondents and despite that, urgent steps are being taken to re-locate the college on the said land and the petitioner is constrained to approach this Court by filing this writ petition.

4. The learned Counsel for the petitioner has drawn the attention of this Court to page 2 of the typed documents which gives a photograph of a stone inscription, wherein it is shown as a tank and would submit that the land in S.No.371 is having a wild life population and in the event of location of the College therein, there is danger to the lives of the students and there is likelihood of environmental imbalance and prays for a direction not to locate the College in the land in S.No.371 of Panakudi village.

5. Per contra, the learned Counsel for the fourth respondent would submit that the present writ petition is not a Public Interest Litigation, but it is nothing but abuse of process of law and has drawn the attention of this Court to the order dated 08.12.2017 passed in W.P(MD)No.22507 of 2017 [*Sankar Kumar v. The District Collector, Tirunelveli District and another*] wherein similar prayer was made and it was dismissed on 08.12.2017 and this is one more attempt to stall the re-location of the college and prays for the dismissal of this writ petition.

6. This Court has considered the rival submissions and perused the materials placed before it.

7. A perusal of the order dated 08.12.2017 made in W.P(MD) No.22507 of 2017 would disclose that similar contentions were put forth and were rejected by this Court on the ground that in policy decision, a Court of law cannot interfere with normally.

8. In the considered opinion of this Court, in the light of the said order, no relief can be granted to the petitioner in this writ petition.

9. Therefore, this writ petition is dismissed. The fourth respondent is directed to take necessary and appropriate steps to complete the construction and see to it that there is no time or cost over in putting up the said construction and inauguration. No costs. Consequently, the connected writ miscellaneous petition is also dismissed.

Sd/-

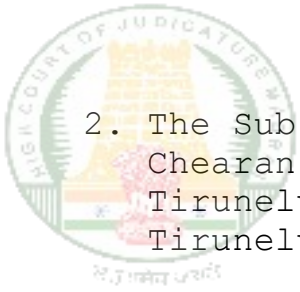
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.



2. The Sub Collector,
Chearan Mahadevi,
Tirunelveli District,
Tirunelveli.

3. The Tahsildar,
Radhapuram Taluk,
Radhapuram,
Tirunelveli District.

+ 1 cc TO M/S.Ajmal Associates , Advocate in SR No. 54486
+ 1 cc TO The Special Government Pleader in SR No. 54914

rsb

AE/KKR/SAR2/20.03.2018/4P/6C

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