



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2018

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.[MD]No.19549 of 2018

and

W.M.P.[MD]Nos.17344 & 17345 of 2018

Ponnar

: Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Dindigal District.
2. The Thasildar,
Vedasandhur,
Dindigal District.
3. The Block Development Officer,
Gujiliamparai Panchayat Union,
Dindigal District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records connected with the order in Na.Ka.No.3584/2017/A3 dated 08.04.2018 on the file of the Respondent No.1 and quash the same as illegal and consequently pleased to direct the respondents to construct a panchayat union office building at Vadugampadi village and directing the Respondent No.1 to consider.

For Petitioner : Mr.R.Alagumani

For Respondents 1&2 : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

For Respondent No.3 : Mr.M.Jeyakumar
Additional Government Pleader

O R D E R

<https://hcservices.ecourts.gov.in/hcservices/>
The present writ petition has been filed for issuance of a writ of Certiorarified Mandamus, calling for the records connected with the order in Na.Ka.No.3584/2017/A3 dated 08.04.2018, on the file of



the first respondent and quash the same as illegal and consequently to direct the respondents to construct a panchayat union office building at Vadugampadi village.

2.The grievance of the petitioner is that the construction of panchayat union office in Puliyampatty village, will only help the dominant caste people. According to him, originally, sanction was given for only Vdugampadi village. However, at the instance of some people, the same was changed to Puliyampatty village. A public interest litigation was filed in W.P.[MD]No.8034 of 2018 and a Division Bench of this Court vide order dated 16.04.2015 has passed the following order:

"3.The Writ Petitioner seeks issuance of a Writ of Mandamus, directing respondents herein to consider the representation dated 10.12.2017 given on behalf of all the villagers of Vadugampadi Panchayat and consequently, direct the respondents to complete the construction of a new building for accommodating Vadugampadi Panchayat Office at Puliyampatti Village, as per the work order dated 07.08.2017, issued by third respondent as same is put to public use.

4.The communication of third respondent - Block Development Officer, Gujiliamparai Panchayat Union to first respondent - District Collector, Dindigul District in Na.KA.No.1246/2015/The.2, dated 06.04.2018 informs the commission of inadvertent error in proceedings in Na.Ka.No.3584/2017/A3, dated 01.08.2017, in that the putting up of the Panchayat Union building at Vadupgampadi Hamlet has been approved instead of Vadugampadi Panchayat at Puliyampatti Village in Survey No.1474. Informing such error, administrative sanction has been sought for putting up the building at Vadugampatti Panchayat at Puliyampatti village.

5.Authorities would do the needful towards putting up of construction of the Panchayat building, which, the petitioner seeks. In such view of the matter, the Writ Petition shall stand disposed of. No costs."

3.In response to the notice, the third respondent entered appearance and filed counter affidavit. In the counter affidavit, the following is stated in paragraph No.4:

"4.It is submitted that the averments contained in para 3 of the affidavit need not be traversed. The averments contained in para 4 of the affidavit



are denied. The third respondent submitted a proposal to the first respondent herein to construct the new Panchayat building under the MGNREGS scheme. The same was sanctioned by the first respondent in his proceedings Roc.No.3584/2017/A3 dated 01.08.2017. But, the order of the first respondent mistakenly the place of construction mentioned as Vadugambadi instead of Puliampatti. Originally the old Panchayat office was functioning at Puliampatti village and it was in diluted condition. So, the third respondent planned to demolish the old one and construct the new Panchayat building at the same place."

4. According to the learned Additional Government Pleader, when sanction was originally issued, it was mistakenly mentioned as Vadugampadi instead of Puliampatty. However, subsequently the same has been corrected and the sanction has been made for Panchayat Office only at Puliampatty village, where the old building was originally located and now being demolished for the said purpose.

5. In view of the submissions as contained in the counter affidavit, this Court does not think that the petitioner can get any relief in this writ petition. The issue of discrimination as between the dominant community and the other communities has no bearing on such issues, since the administration is only trying to put up the panchayat union building only in the place where it was originally located. This Court does not find any infirmity in the decision taken by the respondents.

6. For the above said reasons, this Court is of the view that the writ petition lacks merit. Therefore, the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The District Collector,
Office of the District Collector,
Dindigul District.



2. The Thasildar,
Vedasandhur, Dindigal District.

3. The Block Development Officer,
Gujiliamparai Panchayat Union,
Dindigal District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 90419

MR

TE/SV/SAR-2 : 23/11/2018 : 4P/5C

W.P. [MD] No. 19549 of 2018
11.10.2018