



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.07.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 10343 of 2010

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Tamil Nadu Panchayat Union Office Assistants
Thalamai Sangam,
Represented by its Honorary Adviser,
K.S.Syed Ibrahim,
Navinipatty-625 106.
Madurai District.

..Petitioner

vs

1.State of Tamil Nadu,
Represented by its Secretary to Government,
Revenue Department,
Fort Saint George,
Chennai 600 009.

2.The Commissioner,
Arani Municipality,
Arani, Thiruvannamali District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari Mandamus, calling for the records relating to the notice issued by the 2nd respondent in Na.Ka.No.2412/10/F1 dated 21.04.2010 and quash the same and direct the respondents to permit the petitioner sangam to function the branch and the library building constructed in T.S.No.43/C4 of Arani Kottai West Street, Arani Village, Arani Municipality, measuring 450 Sq.ft.

For Petitioner : Mr. A.S.Mujibur Rahman
for Mr.T.S.Gopalan

For Respondents : Mr.Ramesh AGP for R1
Mrs.K.Bhuvaneshwari,
AGP for R2

O R D E R

The prayer sought for herein in this Writ Petition is for issuance of a Writ of Certiorari Mandamus, calling for the records relating to the notice issued by the 2nd respondent in Na.Ka.No.2412/10/F1 dated 21.04.2010 and quash the same and direct the respondents to permit the petitioner sangam to function the branch and the library building constructed in



T.S.No.43/C4 of Arani Kottai West Street, Arani Village, Arani Municipality, measuring 450 Sq.ft.calling for the records of the third respondent in relation to the proceedings dated 31.01.2006, passed in Na.Ka.6358/ 2004 and quash the same.

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2.The case of the petitioner is that the petitioner's Sangam is the registered Sangam having its office at Navinipatti and the number being 1520 Rural Development Department dated 05.07.1965. Subsequently, the name of the Sangam has been duly amended by the recognition number 945 Rural Development Department dated 26.11.1986. The petitioner Sangam consists of Panchayat Union Office Assistants working in and around the District Head Quarters of Rural Development and local Administration. The Object of the Sangam is to protect the interest of the members of the Sangam working as Office Assistants in the Panchayat Union. In the mean time, the second respondent passed a resolution No.216 dated 04.07.1978, granting permission to construct a library to the welfare of the petitioner sangam in T.S.No.43/C4, measuring 450 Sq.ft. Therafter, the petitioner Sangam has constructed the building for library by investing Rs.1.5 Lakhs. Thereafter, the Tashildar had issued No objection certificate for electricity connection to the above said building as a result of which the petitioner submitted a representation before the second respondent dated 07.02.1988, enclosing the copy of the No Objection certificate. The electricity connection was effected on 12.12.1988 by the Tamil Nady Electricity Board. While that being so, the second respondent without properly verifying the records has issued the notice under Sections 142, 173, 180-A, 182, 183, 186 and 313 of the Tamil Nadu District Municipalities Act dated 21.04.2010, stating that the petitioner has encroached. Challenging the same the present writ petition is filed.

3.The learned counsel for the petitioner submitted that based on the resolution dated 04.07.1978 has granted permission to construct a library of the petitioner welfare Sangam and the Revenue department has survey the land properly and issued the patta for the said land. He further submitted that the Tashildar has issued no objection certificate and also recommended for electricity connection. The electricity connection was effected on 12.12.1988 by the Tamil Nadu Electricity Board. However, without properly verifying the records the second respondent has issued impugned notice under Sections 142, 173, 180-A, 182, 183, 186 and 313 of the Tamil Nadu District Municipalities Act dated 21.04.2010 to the petitioner.

4. The Learned Additional Government Pleaders appearing on behalf of the second respondent refuted the allegations raised



by the learned counsel for the petitioner. He further submitted that the land originally belongs to the second respondent. The petitioner Sangam members are the Office Assistants in the Panchayat Union, taking that advantage of this position they were occupied the both ways to the general public and also built an library to the welfare of the petitioner's sangam. Hence, he prays to dismiss the writ petition.

5. In view of the above, the second respondent issued impugned notice stating that the petitioner has encroached the lands belonging to the Government without obtaining proper permission causing hindrance to public. So, I do not find any legality and the petitioner sangam members being Office Assistants have taken advantage of their position and had illegally occupied the Government land and built the library, which cannot be approved. Accordingly, the Writ petition is dismissed. The second respondent is hereby directed to take action by following the process of law. No Costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To.

1. The Secretary to Government,
Government of Tamil Nadu,
Revenue Department,
Fort Saint George,
Chennai 600 009.

2. The Commissioner,
Arani Municipality,
Arani,
Thiruvannamali District.

+1cc to Government Pleader sr.59723

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cp(co)
nr 26/08/2019