

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.5912 of 2019

P.Raman

.. Petitioner

Vs.

1. The Assistant Director of Town Panchayats,
Coimbatore Region,
Coimbatore - 641 018.

2. The Assistant Executive Engineer,
O/o. The Assistant Director of Town Panchayats,
Coimbatore - 641 018.

3. The Executive Officer,
Annur Town Panchayat,
Annur, Coimbatore District - 641 653.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 02.11.2018 and consequently direct them to construct Beef Shops at Annur Weekly Market Area as per the Resolution No.134/2015 dated 30.10.2015 passed by the Annur Town Panchayat Council within the time to be stipulated by this Hon'ble Court.

For Petitioner : Mr.M.Vijayaragavan

For Respondents: Mr.E.Manoharan, (for R1 & R2)

Addl. Government Pleader

Mrs.A.Srijayanthi (for R3)

Spl. Government Pleader

O R D E R

(Order of this Court was made by S.MANIKUMAR, J.)

Union Chairman of Annur Union Thanthai Periyar Dravidar Kazhagam, claiming himself to be a public interest litigant, has filed the instant writ petition to consider his representation dated 02.11.2018 and consequently, to direct the respondents to construct Beef Shops at Annur Weekly

Market Area as per the Resolution No.134/2015 dated 30.10.2015 passed by the Annur Town Panchayat Council, within a time frame.

2. Meat shops were located near Annur pond, which was close to outlet for sewerage water and other waste materials coming out of Annur Bus Stand. Location was causing problems for hygiene and led to breeding of mosquitoes. Therefore, on behalf of public, petitioner made a representation to the Executive Officer, Annur Town Panchayat, Annur, Coimbatore, the 3rd respondent.

3. Annur Town Panchayat Council, Annur, decided to construct meat shops at Weekly Market place vide their Resolution No.134/2015 dated 30.10.2015. Accordingly, administrative sanction was granted vide proceedings in RC.No.01/2016/P1 dated 20.06.2016 to construct meat shops from the General Fund of Annur Town Panchayat in the year 2016-17 at a cost of Rs.15,00,000/-. According to the petitioner technical sanction was also granted. However, the construction did not commence and therefore, petitioner was constrained to prefer another representation dated 02.11.2018, which remained unanswered. Hence, the instant writ petition, for the prayer stated supra.

4. On the above, averments, Mr.M.Vijayaraghavan, learned counsel for the petitioner made submissions.

5. When the matter came up on 25.03.2019, we directed Mr.E.Manoharan, learned Additional Government Pleader to take notice and obtain instructions.

6. Reverting Mr.E.Manoharan, learned Additional Government Pleader submitted that technical sanction has been granted. However, Weekly Market place has been leased out to a private party and there is objection to locate meat shops in the said place. He further added that inasmuch as administrative sanction and technical sanction have been granted for construction of meat shops, having regard to the objections now raised by the lessee, a new place has to be identified, for which, necessary resolution would be passed by Annur Town Panchayat. Submission is placed on record.

7. From the material on record, it could be deduced that way back on 14.07.2015, Annur Town Panchayat, has passed a resolution to construct meat shops as per the guidelines issued by the District Collector vide letter in RC No.1156/2014/P1 dated 10.06.2015 and R.C.No.1156/2014/P1 dated 16.06.2015, which is extracted hereunder

Proceedings of the Annur Town Panchayat
Annur, Coimbatore District.

Copy of Annur Town Panchayat General Meeting Proceedings held on Tuesday, 14th July 2015 forenoon 11.00 hours at office of the Annur Town Panchayat.

Present: Tmt.Sow.Rani, President.

Subject 10	Resolution
The subject of selecting a place, with regard to regularisation and modernisation of meat shops functioning in the area of Annur Panchayat, as per the guidelines issued by the District Collector vide letter RC No.1156/2014/P1 dated 10.06.2015 and R.C.No.1156/2014/P1 dated 16.06.2015, was placed before the Panchayat Board.	Resolution No.86 dated 14.07.2018 is postponed. sd/- Tmt.Sow.Rani President Annur Town Panchayat Annur

/True Copy/

Sd/-....
Executive Officer,
Annur Town Panchayat
Annur

8. Another resolution has been passed on 30.10.2015 to construct meat shops at Weekly Market place, without any inconvenience to the general public and the same is extracted.

Proceedings of the Annur Town Panchayat
Annur, Coimbatore District.

Copy of Annur Town Panchayat General Meeting Proceedings held on Tuesday, 30th October 2015 forenoon 11.00 hours at office of the Annur Town Panchayat.

Present: Tmt.Sow.Rani, President.

Subject 3	Resolution
Letter from Thiru.Raman, Periyar Dravidar Kazhagam with regard to mutton, chicken, beef shops are to be set up in hygienic manner was placed before the Panchayat Board for approval	Resolution No.134/2015 dated 30/10/2015 Petition has been examined. President, Deputy President and Members of the Panchayat Board have unanimously approved to construct meat shops at weekly market (santai) without any inconvenience to general public. sd/- Tmt.Sow.Rani President Annur Town Panchayat Annur

/True Copy/

Sd/-....
Executive Officer,
Annur Town Panchayat
Annur

9. Vide letter in RC.No.247/015/E dated 02.11.2005, the Executive Officer, Annur Town Panchayat, Annur, has informed the petitioner that steps would be taken for construction of meat shops and the same reads thus.

From
Thiru. K.Parthiban
Executive Officer,
Annur Town Panchayat,
Annur - 641 653

To
Thiru.Raman
Panchayat Union President
Thanthai Periyar Dravidar
Kazagam
Annur Panchayat Union

R.C.No.247/015/E dated 02/11/2005

Sub: Public health - Meat shops - Annur
Town Panchayat -
Setting up of meat shops in hygienic
manner.

Ref: 1) Letter dated 12/10/2015 from
Thiru.P.Raman,

Panchayat Board President, Thanthai
Periyar Dravidar
Kazagam.

2) Resolution No.134/2015 dated
30/10/2015 of Town
Panchayat Board.

Sir,

Your letter under reference (1) regarding setting up of meat shop in hygienic manner has been placed before Panchayat Board. A resolution has been passed by Annur Town Panchayat Board under Reference (2) to construct mean shops at weekly sandy without any inconvenience to general public.

I wish to inform that appropriate action will be taken to set up meat shop in the area of weekly market sandy.

Sd/-

Executive Officer,
Annur Town Panchayat,
Annur-641 653

Encl: Copy of Board's resolution.

10. Assistant Director, Town Panchayat, Coimbatore, vide proceedings in RC No.01/2016/P1 dated 20.06.2016 has granted administrative sanction to carry out the jobs under Public Fund for the year 2016-17 and the same reads thus.

Proceedings of the Assistant Director, Town
Panchayat,
Coimbatore Division

Present: Thiru.Ganeshram

R.C.No.01/2016/P1

Date:20/06/2016

Sub: Works - Town Panchayat Administration -
Coimbatore Division - Annur Town Panchayat -
Order issued by the Administration to carry out
jobs under Public Fund for the year 2016-17 -
Reg.

Ref: 1) Government order (P) No.166, Municipal
Administration & Water Supply Department dated
12.04.2008

2) Town Panchayat Board's Resolution No.5 dated
25.01.2016

3) Letter No.30/2015/A date 06/06/2016 from the
Executive Engineer, Annur Town Panchayat.

ORDER

Order is hereby issued for the following work, as per below estimated value of work at Annur Town Panchayat, Coimbatore Division for the year 2016-17 subject to the following terms and conditions and subject to the laid down procedures.

Sl. No.	Name of the work	Estimation (in lakhs)
1	Construction of beef shops within the market area of Annur Town Panchayat	Rs.15.00

Conditions:

- 1) Quotations to be obtained by following prescribed Tender procedures and Work Order to be given after getting approval from Town Panchayat Board.
- 2) Tender particulars are to be published in Tender Book.
- 3) Issuance of Work Order based on one quotation to be avoided.
- 4) Proper entries are to be recorded in tender register.
- 5) Giving Work Order to relatives of Town Panchayat Board members (father, mother, sisters, wife, brothers etc.) to be avoided.
- 6) In the register details of work, estimate, and allotment are to be recorded.
- 7) No advance amount should be paid for any type of work.
- 8) Government Orders, prescribed rules and guidelines issued by the Assistant Director and Executive Engineers are to be followed with reference to works carried out at Town Panchayat.
- 9) Proper entries are to be uploaded in the website.
- 10) If there is any discrepancies, disciplinary action will be initiated against the Executive Engineer.
- 11) This Order is to be brought to the notice of Town Panchayat Board.

Sd/-....

Assistant Director of Town Panchayats
Coimbatore Division.

11. Estimate prepared by the Executive Officer, Annur Town Panchayat, Annur, has been sent in RC.No.30/2015/A dated 21.06.2016 to the Assistant Executive Engineer, office of the Assistant Director, Town Panchayat, Coimbatore, for his technical approval.

From
Thiru. D.Selvaraj
Executive Officer,
Annur Town Panchayat,
Annur - 641 653

To
The Assistant Executive
Engineer
Office of the Assistant
Director,
Town Panchayats,
Coimbatore - 18

Sub: Works - Annur Town Panchayat -
Request to issue
Technical approval for carrying out work
under Public
Fund for the year 2016 - Reg.

Ref: 1) Letter R.C.No.01/2016/P1
dated:20/06/2016 from the
Assistant Director, Town Panchayat,
Coimbatore Division.
Order has been issued by the Assistant Director,
Town Panchayat, Coimbatore Division for carrying
out work under Public Fund for the year 2015-16 at
Annur Town Panchayat, Coimbatore District. I am
enclosing herewith estimate for the above
mentioned work. I request to issue Technical
approval for this estimate.

Sl. No.	Name of the work	Estimation (in lakhs)
1	Construction of beef shops within the market area of Annur Town Panchayat	Rs.15.00

Sd/-
Executive Officer,
Annur Town Panchayat,
Annur-641 653

Encl: Estimate No.1

12. Vide letter in RC No.247/2015 dated 01.07.2016, the Executive Officer, Annur Town Panchayat, Annur, has informed the Inspector, Annur Police Station, Annur, that no sooner technical sanction is obtained, steps would be taken for floating tenders. Copy the abovesaid letter dated 01.07.2016, has been sent to the Assistant Engineer, Annur Town Panchayat, Coimbatore and the same reads thus.

From	To
Thiru. D.Selvaraj	The Inspector
Executive Officer,	Annur Police Station
Annur Town Panchayat,	Annur - 641 653
Annur - 641 653	

R.C.No.247/2015 dated 01/07/2016

Sir,

Sub: Public Health Meat shops - Annur
Town Panchayat -
Request to set up meat shop in hygienic
manner - Notice
issued by Thiru.P.Raman, Panchayat Board
President,

Thanthai Periyar Dravidar Kazagam for
holding dharna of
<https://hcservices.ecourts.gov.in/hcservices/>

sieging of office - Informing about
present action - Reg.

Ref: Related documents.

Thiru. P.Raman, Panchayat Board President, Thanthai Periyar Dravidar Kazagam has issued a notice requesting to set up meat shops in hygienic manner at Annur Town Panchayat, failing which dharna of sieging Panchayat office will be held on July 4th.

Resolution No.134 dated 30.10.2015 has been passed by this Panchayat Board for constructing meat shops at Annur Town Panchayat weekly market (santai) without any inconvenience to general public. Based on that an estimate was prepared to construct meat shops at a cost of Rs.15 lakhs and approval has been sanctioned by this Panchayat Board on 25/01/2016 and order giving approval for the above work was also issued by the Assistant Director, Town Panchayat, Coimbatore Division vide letter R.C.No.1/2016/P1 dated 20/06/2016.

I would like to inform that after receipt of technical approval, necessary action will be taken for release of tender.

Sd/-
Executive Officer,
Annur Town Panchayat,
Annur-641 653

Encl: Concerned documents.

13. We have already recorded the submission of the learned Additional Government Pleader that technical sanction has been obtained. What remains to be done is change of location, for which on behalf of Annur Town Panchayat, Mr.E.Manoharan, learned Additional Government Pleader submitted that suitable resolution would be passed, as regards location.

14. Placing on record the above, Annur Town Panchayat, Annur is directed to act on the assurance made in this writ petition. No sooner appropriate resolution is passed, follow up action be taken for construction of meat shops, within four weeks, after declaration of the general election results. Accordingly, writ petition is disposed of. No Costs.

Sd/-/-
Assistant Registrar(CS viii)

//True Copy//

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To

1. The Assistant Director of Town Panchayats,
Coimbatore Region,
Coimbatore - 641 018.

2. The Assistant Executive Engineer,
O/o. The Assistant Director of Town Panchayats,
Coimbatore - 641 018.

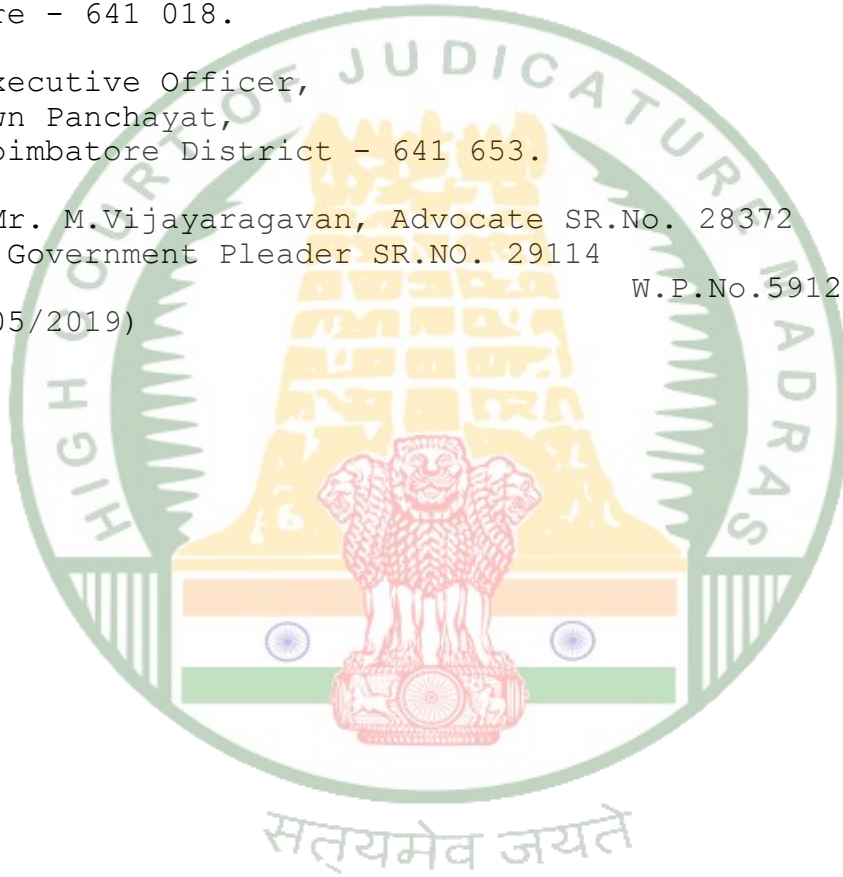
3. The Executive Officer,
Annur Town Panchayat,
Annur, Coimbatore District - 641 653.

+1cc to Mr. M.Vijayaragavan, Advocate SR.No. 28372

+1 cc to Government Pleader SR.NO. 29114

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A.SK(02/05/2019)



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