

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2019

CORAM:

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

W.P.No.10037 of 2019
and W.M.P.No.10614 of 2019

C.Muthamil Selvan

.. Petitioner

Vs.

1. The District Collector,
Ariyalur District,
Ariyalur.

2. The Block Development Officer,
Ariyalur,
Ariyalur District.

3. The Panchayat Secretary,
Vilangudi Village,
Panchayat Union Office,
Vilangudi Post,
Ariyalur Taluk,
Ariyalur District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of Mandamus, forbearing the respondents from constructing the New Panchayat Office building at Vilangudi Village, Ariyalur Taluk, Ariyalur District by considering the petitioner's representation dated 06.03.2019.

For Petitioner : Mr.R.Jayaprakash
For Respondents : Mr.E.Manoharan,
Additional Government Pleader

ORDER

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

Mr.Muthamil Selvan, a practising Advocate, has filed the present public interest litigation seeking to forbear the respondent authorities from constructing a new Panchayat office building at Vilangudi Village, Ariyalur Taluk, Ariyalur District by considering his representation dated 06.03.2019.

2. Grievance of the petitioner is that there is a government High school in his village and school administration is taking steps to upgrade it as Higher Secondary School. If upgradation is done, the Government School will be in need of a new building and also a playground. While things stood thus, the respondents are proposing to construct a new office building meant for Village Panchayat near the government High School building by demolishing the existing Panchayat building, which is in good condition and if it is allowed, then the Government High School cannot be upgraded to Higher Secondary School, as it requires a new building to accommodate the students. On 6.3.2019, the petitioner sent representation to the respondents to cancel and/or stop the proposal for construction of a new Panchayat building. Despite receipt of the representation, the respondent authorities have not taken steps to stop the construction work.

3. Heard Mr.R.Jayaprakash, learned counsel for the petitioner and Mr.E.Manoharan, learned Additional Government Pleader for the respondents and also perused the materials available on record.

4. On 04.04.2019 when the writ petition was taken up for admission, upon taking notice on behalf of the respondents, the learned Additional Government Pleader, submitted that in order to expand the road, the existing Panchayat building was proposed to be demolished and a new Panchayat building is planned to be constructed 30 metres away from the existing building. He further submitted that a portion of the demolished existing Panchayat building would be used for storage and other purposes. Recording the submission made by the learned Additional Government Pleader, the writ petition was directed to be listed on 05.04.2019 for written instructions from the respondents.

5. Today, when the matter is taken up for hearing, learned Additional Government Pleader produced a letter dated 04.04.2019 of the second respondent, addressed to the Government Pleader, Madras High Court, wherein it is stated that the existing building was constructed in the year 2003 under SCRY Scheme, and the roof of the building is badly damaged. Moreover, for the purpose of widening Trichy-Chidambaram Road NH-227, land upto the staircase of the existing building was acquired and the road widening work is in progress.

Further, in the said letter, it is stated that the proposed construction of new Panchayat building is being done under MGNREGS Scheme, after obtaining administrative sanction.

6. Since the construction of new Panchayat building is being carried out by the respondent authorities only after obtaining administrative sanction and nothing has been produced by the petitioner to show that the existing building is in good condition and that also a portion of the building is not covered under acquisition proceedings, this Court is not inclined to entertain the present public interest litigation. Construction of a new building is in Public interest. Accordingly, the writ petition is dismissed. No costs. Consequently, W.M.P.No.10614 of 2019 is closed.

(S.M.K., J.) (S.P., J.)
12.04.2019

Index: Yes/No

Internet: Yes

Speaking/Non speaking
ars

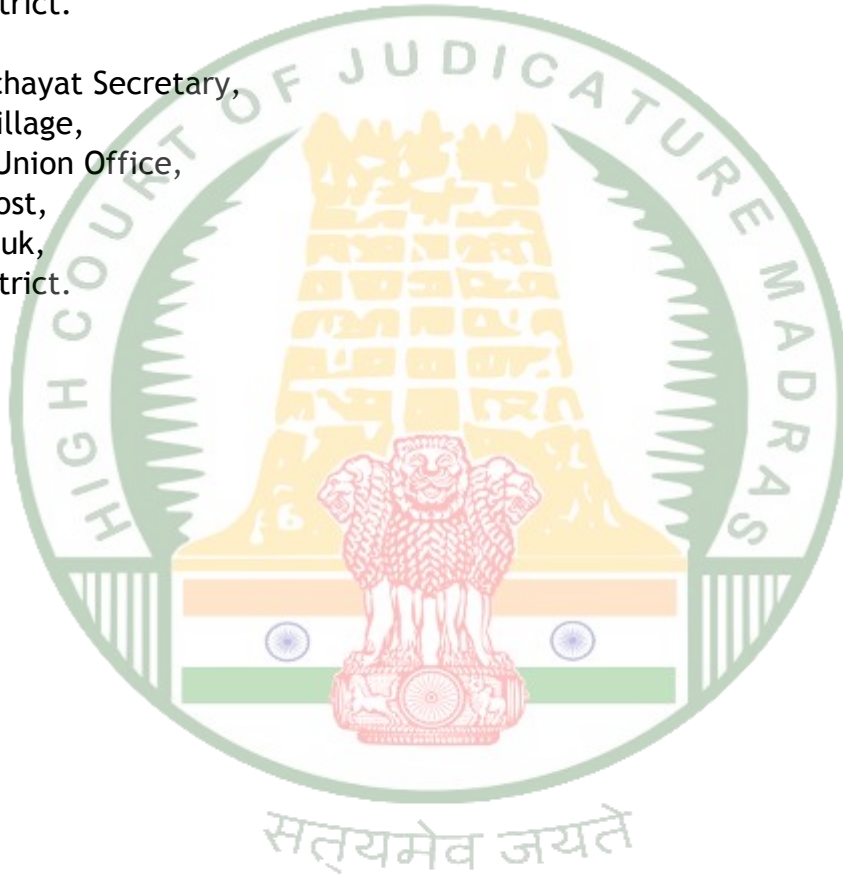
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To

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Ariyalur District,
Ariyalur.

2. The Block Development Officer,
Ariyalur,
Ariyalur District.

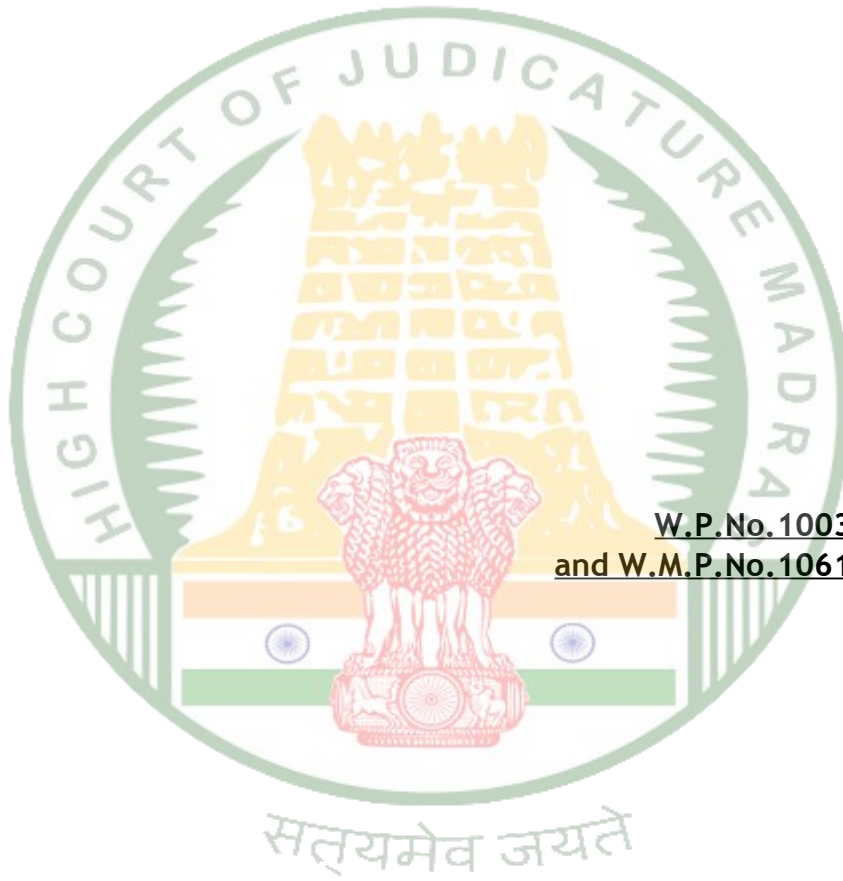
3. The Panchayat Secretary,
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Ariyalur District.



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S.MANIKUMAR, J.
AND
SUBRAMONIUM PRASAD, J.

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