

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

WP.NO.31407/2019 & WMP.NO.31579/2019

N.Arulsamy

.. Petitioner

Versus

1. The Government of Tamilnadu
rep.by the Chief Secretary
Fort St George, Chennai 600 009.
2. The Additional Chief Secretary / Revenue
Administrative Commissioner
Government of Tamil Nadu
Fort St George, Chennai 600 009.
3. The District Collector
Villupuram District, Villupuram.
4. The Special Officer for the formation
of Kallakurichi District, Villupuram
Collectorate, Villupuram 605602.

.. Respondents

Prayer:-Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus forbearing the respondents from issuing the Notification for the formation of Kallakurichi District without conducting a public hearing with wide publicity for grievance redressal of public and for adequate public representation.

For Petitioner : Mr.Balaji Thirumoorthy
For Respondents: Mr.E.Manoharan, AGP

ORDER

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

- (1)By consent, the writ petition is taken up for final disposal.
Mr.E.Manoharan, learned Additional Government Pleader accepts
notice on behalf of the respondents..

- (2) The petitioner claims to be a resident of Tirukovilur Taluk, Villupuram District and according to him, the Hon'ble Chief Minister of the State of Tamil Nadu, a public announcement/ statement as to the formation/bifurcation of various Districts was made. The Public [Special A] Department in G.O.Rt.No.3123, dated 18.07.2019, had created temporary post of Special Officer for formation of Kallakurichi District, which is going to be carved out of Villupuram District and the public hearing was also conducted on 05.02.2019 at Kallakurichi Municipality.
- (3) The petitioner expresses his grievance that no wide publicity was given for public hearing and that apart, most of the residents of Tirukovilur, Tiruvannainallur, Chithalingamadam of Tirukovilur Taluk, Arasur, Madappattu, Peria Sevalai of Ulundurpet Taluk and Mugaiyur Panchayat Union of Kandachipuram Taluk, prefer that their Taluks should continue to be within the revenue jurisdiction of Villupuram District and not form part of the newly carved out Kallakurichi District.
- (4) The learned counsel for the petitioner would submit that the views and sentiments of the people should also be taken into consideration and given effect to. It is for the better administration, development of the areas and other allied factors and in this regard, a detailed representation dated 05.02.2019 was given by the petitioner to the 2nd respondent in person and despite receipt and acknowledgment of the same, no response was forth coming and hence, the petitioner came forward to file the present writ petition.
- (5) Per contra, Mr.E.Manoharan, learned Additional Government Pleader appearing for the respondents 1 to 4 would submit that the Hon'ble Chief Minister, for the betterment of administration and disbursement of various benefits, thought it fit to announce the formation of Districts which are going to be carved out of the original Districts and it is a Policy Decision, taking into consideration various facts and circumstances, especially for the welfare of the people and there is bound to be some resentment as to the inclusion and exclusion of various Taluks and the Special Officer appointed, would also take into consideration the representations / objections received, based on which a fair decision would be taken by the administration.
- (6) This Court has considered the rival submissions and also perused the materials placed before it.
- (7) The formation of new Districts is admittedly a Policy Decision and to work out the modalities, Special Officers have been appointed and Karaikal District is going to be carved out of Villupuram District and in the even of approval and

acceptance, the Karaikal District may be the District Headquarters. As rightly pointed out by the learned Additional Government Pleader, whenever new Districts are formed, there is bound to be some resentment and element of dissatisfaction and the residents of a particular Taluk or Village may feel that for their betterment and benefit, it may remain with the original District or it should go to the new District.

(8) In the considered opinion of the Court, the Special Officer, who is in the rank of an officer of Indian Administrative Service, had admittedly, conducted public hearings and would take into account, the grievances expressed by the people and expected to take a fair decision of inclusion / exclusion of villages/Taluks and in the light of the same, this Court may not issue any direction, forbearing the respondents from issuing the notification for the formation of Kallakurichi District, which is purely a Policy Decision and the scope of interference by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India, is very limited.

(9) In the result, the writ petition stands dismissed at the admission stage itself. No costs. Consequently, the connected miscellaneous petition stands closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Chief Secretary,
The Government of Tamilnadu,
Fort St George, Chennai 600 009.
2. The Additional Chief Secretary / Revenue
Administrative Commissioner
Government of Tamil Nadu
Fort St George, Chennai 600 009.
3. The District Collector
Villupuram District, Villupuram.

4. The Special Officer for the formation
of Kallakurichi District, Villupuram
Collectorate, Villupuram 605602.

+1cc to Mr.Balaji Thirumoorthy, Advocate, S.R.No.93432
+1cc to the Government Pleader, S.R.No.93385

WP.No.31407 of 2019

BP (CO)
CS/10/12/2019



WEB COPY