



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2019

CORAM :

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

W.P. No.32380 of 2019

M/s.Arakonam Rail Passenger's Association,
Rep. by its President Mr.Naina Masilamani
Regd. No.76/15
having office at
No.24, 6th Street, Nehruji Nagar,
Arakonam - 631 003,
Vellore District.

... Petitioner

Vs.

1.Government of Tamil Nadu,
Rep. by its Secretary,
Local Administration Department,
Secretariat,
Chennai - 600 009.

2.Additional Chief Secretary and Commissioner
Land Administration
(Tamil Nadu Government Camp)
at Abdul Hakim Engineering College
Melvisharam, Arcot Taluk,
Vellore District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the
Constitution of India for issuance of a Writ of Mandamus,
directing the respondents to consider and pass orders on the
petitioner association's representation dated 30.08.2019 to
declare and notify Arakonam Taluk as head quarters of the
divided District, expeditiously and in accordance with law.

For Petitioner : Mr.D.S.Rajasekaran



O R D E R

The writ petition is styled as a Public Interest Litigation filed by the Arakonam Rail Passenger's Association. Pursuant to the trifurcation of Vellore District, attempts are being made to make Ranipet as Headquarters of the divided District and aggrieved by the said decision of the respondents, the petitioner association has filed this writ petition.

2.Learned counsel appearing for the petitioner would submit that the petitioner association has been constituted for the benefits of all passengers travelling by train, in and out of Arakonam to various places. On 15.08.2019, the Hon'ble Chief Minister of Tamil Nadu made a public announcement that Vellore District is going to be trifurcated into three districts, viz., Vellore, Thirupathur and Ranipet, for effective administration and instead of locating District Headquarters at Arakonam, Ranipet is going to be made as District Headquarters. The learned counsel has also drawn the attention of this Court to the glory of Arakonam Town and would submit that, much of the revenue pertaining to Vellore District is generated only within Arakonam jurisdiction and that, areas in and around Arakonam are industrialized and that apart, CISF Training Centre, Navel Air base, etc., are located in Arakonam and therefore, the decision on the part of the official respondents to locate the District Headquarters at Ranipet is made without proper application of mind and relevant factors and without considering the objections and sentiments expressed by the local people and hence, prayed for disposal of the representation submitted by the petitioner, positively.

3.This Court has considered the submissions made by the learned counsel for the petitioner and perused the materials placed before it.

4.In the considered opinion of this Court, the prayer sought for, directing the official respondents to locate the District Headquarters at Ranipet or at any other place of their choice, cannot be granted, for the reason that, it is a policy decision and admittedly, public hearing was conducted and after taking into consideration the various factors and circumstances, the official respondents thought it fit to locate the Headquarters at Ranipet.

5.It is also the submission of the learned counsel for the petitioner that Ranipet Town is highly polluted and therefore, it is neither advisable nor congenial to locate District



Headquarters at Ranipet. However, in the opinion of this Court, the same may not be raised as a valid ground for the reason that pollution is in the atmosphere and moreover, it cannot be said that, throughout the year, the area remains polluted and that apart, there are enough laws to take note of and to control pollution.

6.A Division Bench of this Court, in W.A.No.572 of 2013 [Union of India v. Government of Tamil Nadu] dated 22.04.2013, has taken note of the scope of powers of this Court to judicially review the policy decisions and has culled out some guidelines as follows :

'61. From the aforesaid decisions of the Honble Supreme Court, the following principles emerge as to when the Courts can interfere in a policy decision:-

I.If the policy fails to satisfy the test of reasonableness, it would be unconstitutional.

II.The change in policy must be made fairly and should not give the impression that it was so done arbitrarily on any ulterior intention.

III.The policy can be faulted on grounds of mala fides, unreasonableness, arbitrariness or unfairness, etc IV.If the policy is found to be against any statute or the Constitution or runs counter to the philosophy behind these provisions.

V.It is de hors the provisions of the Act or legislations.

VI.If the delegate has acted beyond its power of delegation.

VII.If the policy is against public interest or does not sub-serve public interest, public purpose and public good.'

In the considered view of this Court, the points urged by the learned counsel for the petitioner do not fall under any of the said categories.

7.Nowadays, Public Interest Litigants have developed a concept or opinion that, this Court, by exercising its jurisdiction under Article 226 of the Constitution of India, while dealing with the public interest issues, can give remedy to all or any of the problems, however, this Court is of the view that it has to exercise its powers within the four corners



of law and in the process, it has to maintain the balance of law and equity.

8. Since it is the policy decision of the respondents to locate the District Headquarters at Ranipet and in the absence of any tenable material or ground as pointed out in the above said judgment in W.A.No.572 of 2013, the prayer sought for in this writ petition cannot be granted. In the result, this writ petition is dismissed at the admission stage itself. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
Government of Tamil Nadu,
Local Administration Department,
Secretariat,
Chennai - 600 009.

2. The Additional Chief Secretary and Commissioner
Land Administration
(Tamil Nadu Government Camp)
at Abdul Hakim Engineering College
Melvisharam, Arcot Taluk,
Vellore District.

+1cc to Mr.D.S.Rajasekaran, Advocate sr.95644

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mp(co)
nr 19/12/2019