

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.33081/2019

D.Selvam

..Petitioner

Versus

- 1.The Principal Secretary to Government
Revenue and Disaster Management Department
Government of Tamil Nadu
Fort St George, Chennai - 9.
- 2.The Principal Secretary / Commissioner
of Revenue Administration
Chepauk, Chennai -05.
- 3.The Additional Chief Secretary and Commissioner
of Land Administration, Chepauk, Chennai-5.
- 4.The District Collector
Villupuram District, Villupuram.
- 5.The Tahsildar
Ulundurpet Taluk,
Villupuram District.

..Respondents

Common Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to take necessary action on the petitioner's representation dated 15.11.2019 submitted for inclusion of the villages, viz., 1.Saravanapakkam, 2.Kothanur and 3.Gogulapuram, coming under Saravanapakkam Village Panchayat, Tiruvennainallur Panchayat Union into the new Thiruvannainallur Taluk, Villupuram District.

For Petitioner : Mr.A.Ramalingam

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 is the resident of Saravanapuram Village and Panchayat, Tiruvennainallur Panchayat Union, Ulundurpet Taluk, Villupuram District and he came forward to file the present writ petition, styled as a Public Interest Litigation, stating among other things that he is also a practising Advocate in the District Court at Villupuram and other Subordinate Courts and as per the recent announcement of the Hon'ble Chief Minister of Tamil Nadu, on the Floor of the Assembly, a decision has been taken to bifurcate Villupuram District for administrative convenience and a new District with Kallakurichi as its Headquarters will be formed based on the areas as well as the population. In terms of the said announcement, the 1st respondent issued a Government Order in G.O.Ms.No.424, dated 12.11.2019 and the process of bifurcation has been completed and the new District, viz., Kallakurichi District, will be scheduled to come in force on 26.11.2019.
- (3) The petitioner expresses his grievance that in the process, two new Taluks also sought to be created, viz., Tiruvennainallur Taluk and Kalvarayan Hills Taluk for the purpose of developing and providing infrastructural facilities to the population of the said areas and the Tiruvennainallur Taluk is to be included in the Revenue Administration of Villupuram District and Kalvarayan Hills is to be included in the Revenue Administration of Kallakurichi District for the reason that in the event the Tiruvennainallur Taluk being included in Kallakurichi District, the people have to travel very far off to reach the Headquarters and avail the benefits. In the public hearing conducted, the objections were also raised with regard to the said aspect and to the shock and surprise of the residents, the respondents have chosen to ignore the genuine grievance and took a decision to retain the said villages in Ulundurpet Taluk and proposed to include in Kallakurichi District.
- (4) The learned counsel for the petitioner would submit that though the said villages are coming under the Tiruvennainallur Panchayat Union, they alone sought to be omitted to be included in Tiruvennainallur Taluk even though the adjacent villages to the new Tiruvennainallur Taluk, have been included. The petitioner in this regard, has also submitted a representation dated 15.11.2019 in person to the 4th respondent and despite receipt and acknowledgment, no action has been taken to address the grievances of the residents of the said villages and therefore, he would submit that the petitioner is left with no other option except to approach this Court by

filing this writ petition styled as a Public Interest Litigation.

- (5) The learned counsel for the petitioner has also invited the attention of this Court to the order dated 29.08.2019 made in WP.No.26381/2017 [B.Vincent Vs. The Government of Tamil Nadu rep.by its Secretary and Commissioner, Revenue Administration, Chepauk, Chennai-5] and would submit that on similar facts and circumstances, a Division Bench of this Court, had directed the Principal Secretary to Government, Revenue Administration, Government of Tamil Nadu, to pass suitable orders within the stipulated time frame and therefore, prays for appropriate orders for considering and disposal of his representation on merits and in accordance with law within the stipulated time frame.
- (6) This Court has considered the rival submissions and also perused the materials placed before it.
- (7) It is an admitted fact that after announcement was made on the Floor of the Assembly and the Special Officers were appointed and public hearings were also conducted and there was participation also. Whenever there is a bifurcation or trifurcation of the Districts, some places may be nearer to the headquarters and some places are far off to the District Headquarters and may lie close to the neighbouring Districts also and these kind of things would normally happen while forming a new District.
- (8) This Court can also take judicial notice of the fact that good transportation facilities are available and in good old days, people used to reach their destination either through Bullock cart or by walking and those things were of the past and on account of availability of motorised transports and that, most of them are owning motorised means of transport, it may not be difficult for them to reach the District Headquarters.
- (9) The Revenue Administration is also supposed to cater to the needs of the people through its mechanism, through the offices of Tahsildars, Village Administrative Officers etc., and therefore, it is always open to the people of the locality to seek redressal of their grievances through the said mechanism.
- (10) The learned counsel for the petitioner would submit that the residents of the villages had also met the elected representatives, viz., the Member of Legislative Assembly as well as the Member of Parliament and they also promised to do the needful.
- (11) The petitioner, being a practising Advocate, has developed an opinion that each and every problem can be solved by this Court and in the considered opinion of the Court, it cannot solve each and every problem faced by the people and it is also relevant to extract paragraphs No.[63]53, [64]54, [65]55 and [66]56 of the decision reported in 2008 [4] SCALE 848 [COMMON

CAUSE [A. REGD. SOCIETY] V. UNION OF INDIA AND OTHERS] :-

'63[53] The people must know that Courts are not the remedy for all ills in Society. The problems confronting the nation are so huge that it will be creating an illusion in the minds of the people that the judiciary can solve all the problems. No doubts, the judiciary can make some suggestions / recommendations to the legislature or the executive, but these suggestions / recommendations cannot be binding on the legislature or the executive, otherwise there will be violation of the seven-Judge Bench decision of this Court in P.Ramachandra Rao's case [supra], and violation of the principle of separation of powers. The judiciary must know its limits and exercise judicial restraint vide Divisional Manager, Aravali Golf Course and Another V Chander Hass, JT 2008 [3] SC 221. The people must also realize that the judiciary has its limits and cannot solve all their problems, despite its best intentions.

[64]54 The problems facing the people of India have to be solved by the people themselves by using their creativity and by scientific thinking and not by using judicial clutches like PILs.

[65]55 These problems [e.g., poverty, unemployment, price rise, corruption, lack of education, medical aid and housing etc.] are so massive that they can only be solved by certain historical, political and social forces that can only be generated by the people themselves using their creativity and scientific thinking.

[66]56 The view that the judiciary can run the Government and can solve all the problems of the people is not only unconstitutional, but also it is fallacious and creates a false impression and false illusion that the judiciary is a panacea for all ills in society. Such illusions, in fact, do great harm to the people because it makes the people believe that their problems can be solved by others and not by the people themselves. It deliberates their will and makes them believe that they can solve their problems and improve their conditions not by their own struggles and creativity but by filing PIL in Court.

(12) Insofar as the non-disposal of the representation of the petitioner is concerned, admittedly, the said representation

dated 15.11.2019 was submitted in person to the 4th respondent for which, no proof of acknowledgment is available. It is always open to the petitioner to avail the remedy under the Right to Information Act, to know about the fate of his representation.

(13) This Court, on careful consideration and appreciation of the arguments advanced by the learned counsel for the petitioner and the materials placed before it, is of the view that the direction sought for by the petitioner, cannot be granted as of now.

(14) In the result, the writ petition stands dismissed at the admission stage itself. No costs.

Sd/-
Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

AP

To

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VBA (CO)
CSR:22/01/2020

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