



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.19942 of 2019

and

W.M.P. (MD) No.16444 of 2019

S.Ponnudurai @ S.P.Raja Durai

... Petitioner

-vs-

1. The Government of Tamilnadu
rep.by its Chief Secretary
Fort St George
Chennai-600 009
2. The Additional Chief Secretary /
Revenue Administrative Commissioner
Government of Tamilnadu
Fort St George, Chennai-600 009
3. The District Collector
Tirunelveli District
Tirunelveli
4. The Special Officer
For formation of Tenkasi New District
Tirunelveli Collectorate
Tirunelveli

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus forbearing the respondents from issuing notification for the formation of the new district of Tenkasi without redressing the grievances of the general public of the Alangulam and the Sankarankoil assembly constituency in Tirunelveli District based on the petitioner's representation dated 09.09.2019 within the period stipulated by this Court.

For Petitioner : Mr.T.Ramasamy
For Respondents : Mr.A.K.Baskarapandian
Special Government Pleader



O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

By way of this public interest litigation, a resident of Alangulam seeks for issuance of a writ of mandamus to issue notification for formation of new Tenkasi District, only after redressing the grievances of the general public of Alangulam and Sankarankoil Assembly Constituencies in Tirunelveli District.

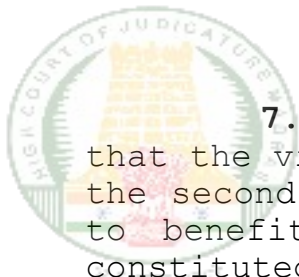
2. The petitioner claims to be a Founder - President of Tamil Nadu Nadar Weaker Section Protection Council and Counselor of Alangulam Town Panchayat from 2006 till 2016 as an independent candidate.

3. We have gone through the affidavit filed in support of the writ petition and found that there are no specific instances pointed out by the writ petition as to what are the facilities or developments that could be done by the Government before formation of the new district.

4. As rightly pointed out by the learned Special Government Pleader, the petitioner seeks for exclusion of Alangulam from being included in Tenkasi District to be formed newly. However, such an issue cannot be decided under writ jurisdiction and it is outside the realm of jurisdiction of this Court under Article 226 of the Constitution of India.

5. Yet another complaint, which was presented by the learned counsel for the petitioner is that in the meeting convened by the second respondent, the members of the general public have not been permitted to express their views and there were only politicians. It is painful as to how the petitioner, who was an independent candidate representing Alangulam Town Panchayat, could be denied opportunity of speaking.

6. The learned Special Government Pleader submitted that on 17.08.2019, a meeting was convened in Tirunelveli, in which two Members of Parliament and five members of Legislative Assembly participated between 10.00 a.m., and 11.00 a.m., and thereafter, there was general public session, in which more than 500 people participated and 167 representations were received. On the same day, a public hearing was conducted in Parasakthi College, Courtralam and it is stated that 1200 members of the public participated and 180 representations were received. It is submitted that the representations are in the process of collation and thereafter, a report will be submitted to the second respondent for appropriate action.



7. In the light of the above, we are of the considered view that the views of the general public be placed in a full form before the second respondent so that a comprehensive decision can be taken to benefit the general public, who will fall within the newly constituted Tenkasi District.

8. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Chief Secretary,
Government of Tamilnadu,
Fort St George,
Chennai-600 009.
2. The Additional Chief Secretary /
Revenue Administrative Commissioner,
Government of Tamilnadu,
Fort St George, Chennai-600 009.
3. The District Collector,
Tirunelveli District,
Tirunelveli.
4. The Special Officer,
For formation of Tenkasi New District,
Tirunelveli Collectorate,
Tirunelveli.

+1 CC to MR.T.RAMASAMY, Advocate (SR-87338[F] dated 18/09/2019)
+1 CC to SPL GP (SR-87539[F] dated 18/09/2019)

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17.09.2019

KRK

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