



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.[MD]No.23933 of 2019

and

W.M.P.[MD]No.20543 of 2019

T.R.Asha Diana

: Petitioner

Vs.

1.The Directorate of Town Panchayats,
Kuralagam,
Chennai - 108.

2.The District Collector,
Kanyakumari District,
At Nagercoil.

3.The Executive Officer,
Kaliyakkavilai Town Panchayat,
Kaliyakkavilai,
Kanyakumari District.

: Respondents

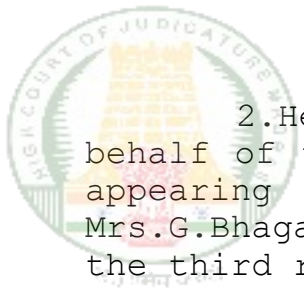
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to construct the Kaliyakkavilai bus stand and other amenities as per the resolution dated 27.05.2015 bearing Resolution No.1586, 1587, 1588 and the plan prepared in pursuant to the same without demolishing the 30 shops which were newly constructed in Sy.No.237/1 at Kaliyakkavilai Town Panchayat, Kaliyakkavilai, Kanyakumari District by considering the representation of the petitioner dated 03.10.2019.

For Petitioner	: Mr.S.C.Herold Singh
For Respondents 1&2	: Mr.M.Murugan Government Advocate
For Respondent No.3	: Mrs.G.Bhagavathi Government Advocate

O R D E R

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

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.



2. Heard Mr.S.C.Herold Singh, learned Counsel appearing on behalf of the petitioner, Mr.M.Murugan, learned Government Advocate appearing on behalf of the first and second respondents and Mrs.G.Bhagavathi, learned Government Advocate appearing on behalf of the third respondent.

WEB COPY

3.The petitioner herein, the erstwhile President of the Kaliyakkavilai Town Panchayat, is before this Court by way of this Public Interest Litigation to direct the respondents not to construct a shopping complex in the bus stand area by demolishing the existing 30 shops. What the petitioner seeks in this writ petition is to sustain the proposal sent by the Town Panchayat while he was holding the office of President. According to the petitioner, if the plan which was proposed by them earlier is accepted and implemented, it will save a lot of money to the public exchequer as the thirty shops which have been built was not proposed to be demolished. The petitioner would state that as of now, there is a proposal which has been mooted out to construct the shopping complex after demolishing 30 shops as well. Therefore, the petitioner wants a direction from this Court.

4.Unfortunately, while exercising jurisdiction under Article 226 of the Constitution of India, we cannot insist the Corporation to make construction in a particular manner nor recommend what should be the size of the building. Interference can only be made in the decision making process but not in the decision taken by the local body.

5.Learned Government Advocate who have accepted notice for respondents 1 & 2 submits that proposal alone is sent and there are several formalities pending and all decisions are to be taken by the authorities at all levels.

6.Therefore, we dispose of this Writ Petition with a direction to the respondents 1 and 2 to take note of all relevant factors while approving the plan and the amenities to be provided in the bus stand complex. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

Sub Assistant Registrar(CS)

MR

To

1.The Directorate of Town Panchayats,
Kuralagam, Chennai - 108.



2.The District Collector,
Kanyakumari District,
At Nagercoil.

3.The Executive Officer,
Kaliyakkavilai Town Panchayat,
Kaliyakkavilai,
Kanyakumari District.

+1CC TO MR.S.C.HEROLD SINGH, Advocate Sr. No.98208
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 98430

Order made in
W.P. [MD]No.23933 of 2019
Dated: 13.11.2019

SCR(CO)
TR(02.12.2019) 3P 6C