



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2019

CORAM:

THE HONOURABLE **MR.JUSTICE T.S.SIVAGNANAM**

and

THE HONOURABLE **MRS.JUSTICE R.THARANI**

Writ Petition (MD).No.24833 of 2019

and

W.M.P(MD).Nos.21422 and 21425 of 2019

T.S.A.Subramanian
Co-ordinator,
Sankarankovil Maavattam Korikkai Iyakkam
Oruginaippu Kuzhu,
No.1/15-1, Gomathiyapuram,
1st Street, Sankarankovil,
Tirunelveli District.

... Petitioner

Vs.

1.The State of Tamil Nadu,
rep., by its Principal Secretary to Government,
Revenue & Disaster Management Department,
St.George Fort, Chennai-9.

2.The Additional Chief Secretary/
Commissioner of Revenue Administration,
Chepauk, Chennai-5.

3.The District Collector,
Tirunelveli, Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the first respondent in his proceedings in G.O.Ms.No.426, Revenue and Disaster Management Department, Revenue Administration Wing (RA 1(1)) Section dated 12.11.2019 and quash the same as illegal and consequentially to direct the respondents to consider the petitioner's representation dated 18.09.2019 and pass suitable orders before announcing Tenkasi District within the period that may be stipulated by this Court.

For Petitioner : Mr.Ajmal Khan
Senior Counsel
for M/s.Ajmal Associates



For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader

O R D E R

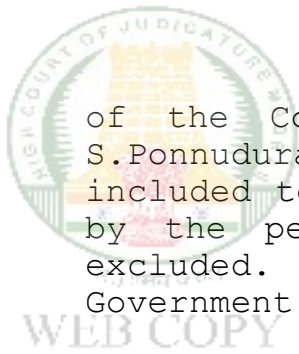
(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

Heard Mr.Ajmal Khan, learned Senior Counsel appearing for the petitioner and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondents.

2.This writ petition has been filed as a Public Interest Litigation by a Co-ordinator of Sankarankovil Maavattam Korikkai IyakkamOruginaippu Kuzhu opposing the Government Order in bifurcating Tirunelveli District and forming Tenkasi District. The challenge is to impugned Government Order in G.O.Ms.No.426, Revenue and Disaster Management Department, Revenue Administration Wing, (RA 1(1)) Section, dated 12.11.2019, is drawing support from the observation made by this Court in a Public Interest Litigation filed by one S.Ponnudurai @ S.P.Raja Durai in W.P(MD).No.19942 of 2019, which was disposed of by this Court by order dated 17.09.2019.

3.By referring to paragraph Nos.6 and 7, the learned Senior Counsel for the petitioner submits that the Court has observed that the views of the general public be placed in a full form before the second respondent, namely the Secretary to Government so that a comprehensive decision can be taken to benefit the general public, who will fall within the newly constituted Tenkasi District. Referring to the impugned Government Order, it is submitted that there is absolutely no indication of any consideration of the representations given by the general public, though it is stated in the said writ petition that representations have been received, public hearing was conducted, in which about 1200 members of the public have participated. Therefore, it is submitted that the impugned Government Order has to be quashed.

4.It is admitted that new District has been bifurcated today (22.11.2019) much before the writ petition could be heard by us. Therefore, the writ petition has become infructuous. The challenge to the impugned Government Order is on the ground that it does not reflect the views of the public which were recorded during the public hearing, how the objections were found to be not acceptable by the Government. In our considered view bifurcation of a District into several Districts or into two Districts are all policy decisions taken by the Government, taking into consideration various factors. While exercising jurisdiction under Article 226 of the Constitution of India, we are not expected to step into the realm of administrative exigencies, which would have weighed in the mind of the competent authority. In fact, when we heard the writ petition filed by S.Ponnudurai @ S.P.Raja Durai, we agreed with the submission of the learned Special Government Pleader stating that the issues pointed out cannot be decided in a writ petition and it is outside the realm of jurisdiction of this Court under Article 226



of the Constitution of India. In fact, the plea raised by S.Ponnudurai @ S.P.Raja Durai was to exclude Alangulam from being included to Tenkasi District, which is identical to the plea raised by the petitioner herein, where they want Sankarankovil to be excluded. These are matter which has to be decided by the Government.

5.It is true that when we disposed of writ petition filed by S.Ponnudurai, we directed the views of the public be placed before the concerned authority for consideration. Such observation cannot now be a sole reason to interfere with the impugned order, especially, when we made it clear in the earlier writ petition itself that we cannot be called upon to issue any direction to decide such matters in a particular fashion. Therefore, on the ground raised before us, we cannot interfere with the decision taken by the Government as announced by the Hon'ble Chief Minister in the Legislative Assembly under the Tamil Nadu Legislative Assembly Rule No.110, on 18.07.2019 in.

6.Thus, for the above reason, we are not inclined to interfere with the impugned Government Order. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Principal Secretary to Government,
Revenue & Disaster Management Department,
St.George Fort, Chennai-9.

2.The Additional Chief Secretary/
Commissioner of Revenue Administration,
Chepauk, Chennai-5.

3.The District Collector,
Tirunelveli, Tirunelveli District.

+1 CC to M/s.Special Govt. Pleader (SR-100914[F] dated 25/11/2019)
+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-100592[F] 22/11/2019)

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