

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.05.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

WP.No.7672 of 2020

K.Madhu

... Petitioner

Versus

- 1.The District Collector,
Dharmapuri Collector,
Dharmapuri.
- 2.The Assistant Director of Panchayats,
Dharmapuri Collector,
Dharmapuri.
- 3.The Block Development Officer,
Dharmapuri Panchayat Union,
Dharmapuri.
- 4.The President,
Semmandakuppam Panchayat,
Semmandakuppam village,
Dharmapuri Taluk and District.

...Respondents

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorari to call for the records pertaining to the impugned resolution number 5 and 6 dated 04.03.2020 passed by the 4th respondent and to quash the same.

For Petitioner : Mr.C.Prabakaran
For Respondents : Mr.V.Jayaprakash Narayan, GP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

(1)The writ petition, styled as a Public Interest Litigation is filed by a resident of S.Kottavur Village, Kuppur Post, Dharmapuri Taluk and District and according to the learned counsel for the petitioner, Semmandakuppam Panchayat consists of 7 villages, viz., Semmandakuppam, S.Kottavur, Gundalapatti, Muttupatti, Nallampatti, Chinnapudur and Periya Pudur and the Panchayat building was temporarily functioning at Semmandakuppam Village in a tiled house from the year 1963. Subsequently, in pursuant to the Resolution passed by the 3rd respondent, an order came to be passed on 07.12.2007, granting permission to construct an office building to accommodate

Semmandakuppam Panchayat office and in pursuant to the same, a contract was also awarded and a new building came into being and it was also inaugurated on 10.03.2008 and the Semmandakuppam Panchayat Union office started functioning from the said building.

(2)The grievance expressed by the petitioner is that in the recently completed Local Body election, one Tmt.Banu, wife of Mr.Poomani, was elected as the President of Semmandakuppam and assumed charge with 9 Ward Members on 11.02.2020 and she is acting against the interest of 6 villages and trying to shift the Panchayat Union building from Semmandakuppam to Gundalapatti village in a School and Anganwadi Centre Campus. It is the further submission of the learned counsel for the petitioner that shifting of the office to the place would definitely cause hardship and difficulties to the other residents of the Panchayat Union and in this regard, representations dated 03.02.2020 and 28.04.2020 have also been submitted to the official respondents and prays for appropriate orders, forbearing the shifting of the office building.

(3)Mr.V.Jayaprakash Narayan, learned Government Pleader accepting notice on behalf of the respondents, would submit that shifting of the

Panchayat office falls within the domain of the policy decision of the elected Local Body and the petitioner, as a matter of right, cannot pray for retention of the office building and it also depends upon very many factors and hence, prays for dismissal of the writ petition.

(4) This Court has carefully considered the rival submissions and also perused the materials placed before this Court.

(5) Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representations or in this writ petition, directs the respondents to consider the petitioner's representations dated 03.02.2020 and 28.04.2020 respectively on merits and in accordance with law and give a disposal within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner herein.

(6) The writ petition stands disposed of accordingly. No costs.

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[M.S.N.,J] [A.S.M., J]
18.05.2020

AP
Internet : Yes

To

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