



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.11401 of 2020

and

W.M.P (MD)No.9976 of 2020

WEB COPY

C.Balasubramaniyan

... Petitioner

Vs.

1.The State of Tamil Nadu,
represented by

The Principal Secretary to Government,
Government of Tamil Nadu,
Revenue Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

2.The District Collector,
Office of the District Collector,
Madurai - 625 020.

3.The District Revenue Officer,
Office of the District Revenue Officer,
Madurai District - 625 020.

4.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Madurai,
Madurai District - 625 020.

5.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Thirumangalam Revenue Division,
Madurai District.

6.The Block Development Officer (Village Panchayat),
Thiruparankundram Panchayat Union Office,
Thirunagar,
Madurai District - 625 006.

7.The Tahsildar,
Office of the Thiruparankundram Taluk Tahsildar,
Thirunagar,
Madurai District - 625 006.

... Respondents



Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the second respondent to constitute a team to survey the land in Vedarpuliyankulam Village S.No.7/1 comprising 7 Acres and 35 Cents in Thiruparankundram Taluk, Madurai District, in accordance with law and find out the vacant land and consequently, direct the respondents to allot the vacant land for the public welfare usage, like, library, bus stand, park, playground and for other amenities and emergency needs for the residents of V.P.Sindhan Nagar and adjacent areas in accordance with law within the time stipulated by this Court.

For Petitioners :Dr.R.Alagumani

For Respondents :Mr.M.Muthugeethaiyan
Special Government Pleader for
R.1 to R.5, R.7

Mr.M.Pandiyarajan
Additional Government Pleader for R.6

ORDER

(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

This writ petition is styled as a Public Interest Litigation and according to the petitioner, he was employed as a Conductor in the services of the Tamil Nadu State Transport Corporation and after retirement, is taking up the genuine public causes purely in public interest.

2. Learned Counsel for the petitioner would submit that nearby to their residential colony, there is a vast extent of land in S.No.7/1 admeasuring 7 Acres and 35 Cents in Vedarpuliyankulam Village, Thiruparankundram Taluk, Madurai District and it remains vacant for so long and therefore, representations were given to use a portion of the said land, especially, for library, park and other public amenities and since no response was forthcoming, a writ petition in W.P(MD)No.18577 of 2019 was filed and it was disposed of on 28.08.2019, by directing the concerned official respondents to dispose of the representation of the petitioner and accordingly, the sixth respondent has given a disposal to the said representation in the form of rejection order, dated 24.10.2019, stating among other things that the land in S.No.7/1 in Vedarpuliyankulam Village, Thiruparankundram Taluk, Madurai District, has been reserved for provision of house site plots to the people belonging to the poor economic background and out of 218 beneficiaries, 42 persons have put up houses and in the light of the allotments made, the request sought for by the petitioner cannot be granted.



3. The learned Counsel for the petitioner further submits that the petitioner also repeatedly sought for information under the Right to Information Act and what were given are only the evading answer. However, no appeal has been preferred against the order of the sixth respondent, dated 24.10.2019. The fact remains that even as on date, the vast extent of land in S.No.7/1 in Vedarpuliyankulam Village, Thiruparankundram Taluk, Madurai District, remains unoccupied and if the position is allowed to continue, there is a likelihood for encroachment which may lead to third party rights and since the request made by the petitioner for provision of library, park and other amenities, is purely in public interest, appropriate direction may be given to the second respondent to direct his subordinate officials to cause inspection and survey of the said land and in the light of the survey and inspection, to dispose of the petitioner's representation, dated 27.08.2020 on merits and in accordance with law within a stipulated time.

4. Mr.M.Muthugeethaiyan, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 5 and 7 and Mr.M.Pandiyarajan, learned Additional Government Pleader accepts notice on behalf of the sixth respondent and they invite the attention of this Court to the summons for enquiry issued by the seventh respondent, vide Na.Ka.No.586/2020/B, dated 13.07.2020 and would submit that since the enquiry is pending, the relief sought for by the petitioner cannot be granted and depending upon the result of the enquiry, the petitioner may work out his remedy in accordance with law.

5. This Court has carefully considered the rival submissions and perused the materials placed on record.

6. The enquiry notice issued by the seventh respondent, vide Na.Ka.No.586/2020/B, dated 13.07.2020, is available at page 118 of the typed set of papers and it pertains to an enquiry as to the claim for allotment of a portion of land in S.No.7/1 in Vedarpuliyankulam Village, Thiruparankundram Taluk, Madurai District, for public amenities, etc.

7. In the light of the pendency of the enquiry, the prayer sought for by the petitioner, at present, cannot be granted.

8. This Court, taking into consideration the facts and circumstances of the case and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the seventh respondent, to proceed with the enquiry in accordance with law and by also adhering to the principles of natural justice and complete the said enquiry as



expeditiously as possible and not later than ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as to the persons concerned.

9. This writ petition stands disposed of accordingly. No costs. Consequently, the connected writ miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

RSB

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
Government of Tamil Nadu,
Revenue Department,
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Office of the Revenue Divisional Officer,
Thirumangalam Revenue Division,
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+1 CC to Mr.R. ALAGUMANI, Advocate (SR-16703[F] dated
11/09/2020)

+1 CC to SGP (SR-16768[F] dated 14/09/2020)

W.P. (MD)No.11401 of 2020

and

W.M.P (MD) No.9976 of 2020

11.09.2020

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