



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON :09.10.2020

PRONOUNCED ON :08.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD) Nos.13869 and 13913 of 2020

and

W.M.P (MD) Nos.11566 and 11519 of 2020

W.P (MD) No.13869 of 2020

V.Jeyachitra

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort.St.George,
Chennai - 600 009.

2.The District Collector,
Theni District,
Theni.

3.The Revenue Divisional Officer,
Uthamapalayam Revenue Division,
Uthamapalayam,
Theni District.

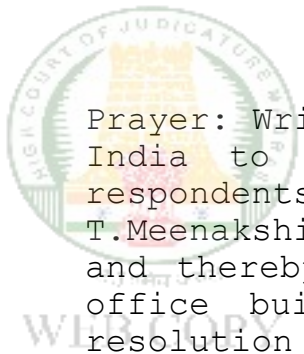
4.The Assistant Director of Panchayats,
Theni District,
Collectorate Campus,
Theni.

5.The Block Development Officer (Village Panchayat),
Uthamapalayam Block,
Uthamapalayam,
Theni District.

6.T.Meenakshmipuram Village Panchayat,
Represented by its president,
T.Meenakshipuram,
Uthamapalayam Taluk,
Theni District.

7.V.Malliga

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the 5th and 6th respondents from constructing new Panchayat office building for T.Meenakshipuram village Panchayat in T.Alagarnayakkanpatti village and thereby direct the respondents to construct the new Panchayat office building either in T.Meenakshipuram village as per the resolution passed by the Grama Sabha in resolution No.26, dated 26.01.2020 as well as order of Administrative / Financial sanction issued by the second respondent dated 25.07.2020 or in any other suitable place nearby the Thevaram to Uthamapalayam State Highway that runs through T.Meenakshipuram Panchayat so as to enable the people of all villages of the T.Meenakshipuram Panchayat to approach /access the Panchayat office easily without any loss of time and energy.

For Petitioner	: Mr.G.Thalaimutharasu
For Respondent	: Mr.M.Muthu Geethaiyan,
Nos.1 to 5	Special Government Pleader

W.P (MD) No.13913 of 2020

S.R.Ganesan

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Secretary,
Rural Development and Panchayat Raj Department,
Chennai - 600 009.

2.The Director of Panchayats,
Chennai.

3.The District Collector,
Theni District,
Theni.

4.The President,
T.Meenakshmipuram Village Panchayat,
T.Meenakshipuram,
Uthamapalayam Taluk,
Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to construct the Panchayat Office either at T.Meenakshipuram or at Mettupatti Village, Uthamapalayam Taluk, Theni District following the resolutions of Grama Sabha meeting dated 26.01.2020.

For Petitioner	: Mr.G.Prabhu Rajadurai
For Respondent	: Mr.M.Muthu Geethaiyan,
Nos.1 to 3	Special Government Pleader



COMMON ORDER

[Order of the Court was made by **B. PUGALENDHI, J.**]

These writ petitions are filed for a writ of mandamus, directing the respondents to construct the new Panchayat Office building at T.Meenakshipuram Village, as per the resolution passed by the Grama Sabha on 26.01.2020.

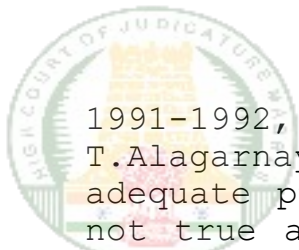
2.The petitioner in W.P(MD)No.13869 of 2020 is a Member of the 1st Ward of T.Meenakshipuram village Panchayat and the petitioner in W.P(MD)No.13913 of 2020 is the President of Pennyquik Vivasayigal Munnetra Sangam, which is established for the welfare of the agriculturists in T.Meenakshipuram Village.

3.Since these petitions are filed with a common grievance relating to the construction of the Panchayat Office for T.Meenakshipuram Village, in T.Alagarnayakkanpatti, they are taken up together for hearing and disposed of by this common order.

4.According to the petitioners, the office of T.Meenakshipuram Village Panchayat has been functioning at T.Alagarnayakkanpatti Village, which is 4 Kilo Metres away from T.Meenakshipuram Village. The said Village is located at the extreme end of the Northern side of T.Meenakshipuram Village and there is no adequate transport facility. The existing office at T.Alagarnayakkanpatti Village was in a dilapidated condition and therefore, the Panchayat has decided to demolish the existing office and to construct a new office. As such in the Gram Sabha meeting held on 26.01.2020, the Panchayat Council passed a resolution in resolution No.26, to construct a new Panchayat Office building at T.Meenakshipuram Village. The President of T.Meenakshipuram Village Panchayat was also a party to the resolution of the Gram Sabha. But, without considering the same, with few ward members, the Panchayat Council passed a resolution in the Village Panchayat meeting held on 12.02.2020, as resolution No.4 and arbitrarily decided to construct a new office building at T.Alagarnayakkanpatti Village without considering the interest of other three villagers and the objection raised by three ward members.

5.Since it is against the resolution of the Grama Sabha, the petitioners sent a representation to the District Collector and the Inspector of Panchayat and then approached this Court by way of these writ petitions.

6.The President of T.Meenakshipuram Village Panchayat and the Block Development Officer of Uthamapalayam Block have filed their respective counter affidavits. According to the counter affidavits, from the inception of T.Meenakshipuram Village Panchayat in the year



1991-1992, the Panchayat Office has been functioning in T.Alagarnayakkanpatti Village and the averment that there is no adequate public transportation to T.Alagarnayakkanpatti Village, is not true and there cannot be any difficulty for the people of the Village Panchayat to visit the Panchayat Office at T.Alagarnayakkanpatti. However, at the instance of some people, the resolution was passed in the Grama Sabha Meeting held on 26.01.2020, to request the District Collector, Theni, to construct the new Panchayat Office building at T.Meenakshipuram Village, instead of renovating the existing Panchayat Office building at T.Alagarnayakkanpatti Village.

7.This resolution dated 26.01.2020 of the Grama Sabha was placed before the Village Panchayat Council of T.Meenakshipuram on 12.02.2020 and after deliberation, by majority of the members of the Council, it was resolved to construct the Panchayat Office at T.Alagarnayakkanpatti Village. It is further stated in the Counter affidavit that pursuant to the Panchayat Council's resolution, dated 12.02.2020, The District Collector, Theni has accorded administrative sanction vide proceedings No. 921007009 / 2020 -2021 / 279399/AS, dated 25.07.2020 for the construction of the office building at a cost of Rs.20,30,000/- under the Mahatma Gandhi National Rural Employment Guarantee Scheme. After the administrative order passed by the District Collector, Theni, the Block Development Officer, Uthamapalayam Block, vide his proceedings in Na.Ka.No.1043/2020/B5, dated 27.07.2020 issued work order to the Secretary, T.Meenakshipuram Village Panchayat, the construction of the work has also commenced on 06.08.2020, the construction has also reached up to the lintel level and they have also produced some photographs in this connection.

8.Heard the learned Counsel on either side and also perused the materials placed on record.

9.The Panchayat Office of T.Meenakshipuram Village has been in existence, ever since its inception in the year 1991-1992 at T.Alagarnayakkanpatti Village. The villagers of T.Meenakshipuram Village or other villagers have not raised any objection at all for all these long years. There was a proposal for renovating the existing Panchayat Office Building. When the Panchayat Council decided to renovate the building, a resolution was passed in the Grama Sabha meeting to construct the proposed new building at T.Meenakshipuram Village, instead of at T.Alagarnayakkanpatti Village. The said resolution passed in Grama Sabha was also placed before the Village Panchayat Council meeting held on 12.02.2020 and in the meeting, out of 9 ward members, 6 ward members voted in favour of the resolution and 3 ward members including the petitioner in W.P(MD)No.13869 of 2020 opposed the said resolution. Based on the majority of votes, the resolution has been passed to construct the Panchayat Office building at T.Alagarnayakkanpatti Village. Pursuant to the resolution passed in the Village Panchayat Council, the



District Collector, Theni has also accorded administrative sanction on 25.07.2020 and the work order was also issued by the Block Development Officer, Uthamapalayam on 06.08.2020. The construction has also been completed to some extent.

10. It is to be noted that in this connection, already a writ petition has been filed in W.P(MD)No.10776 of 2020, wherein on the undertaking given by the Block Development Officer, Uthamapalayam that the construction would be completed within a stipulated time, the writ petition was closed on 03.09.2020.

11. When the majority of the Panchayat Council passed a resolution to construct the new Panchayat Office at T.Alagarnayakkanpatti Village, the resolution passed on 26.01.2020 at T.Meenakshipuram, cannot prevail over the resolution of the Panchayat Council. Moreover, the Panchayat Office has been functioning from its inception in the year 1991 and pursuant to the order of the District Collector, Theni and the Block Development Officer, Uthamapalayam, the construction of the Panchayat Office was started on 06.08.2020 and the construction is also nearing completion. Therefore, this Court is of the view that there is no merit in these writ petitions and as such, they are liable to be dismissed.

12. In the result, these writ petitions are dismissed. No Costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CS-II)

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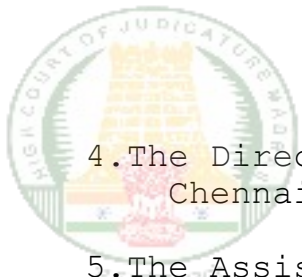
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Sub Assistant Registrar(CS)

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To

1. The Additional Chief Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort.St.George, Chennai - 600 009.
2. The District Collector,
Theni District, Theni.
3. The Secretary, Government of Tamilnadu,
Rural Development and Panchayat Raj Department,
Chennai - 600 009.



4.The Director of Panchayats,
Chennai.

5.The Assistant Director of Panchayats,
Collectorate Campus,
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6.The Revenue Divisional Officer,
Uthamapalayam Revenue Division,
Uthamapalayam, Theni District.

7.The Block Development Officer (Village Panchayat),
Uthamapalayam Block,
Uthamapalayam, Theni District.

+1cc to Mr.G.Prabhu Rajadurai, Advocate Sr.No.24727

order made in
W.P (MD) Nos.13869 and
13913 of 2020

08.12.2020

NR (16/12/2020) 6P : 9C