



WEB COPY

WP(MD)Nos.14595, 11757, 12402, 12229 and 11608 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 28.10.2020

CORAM

THE HON'BLE Mr. JUSTICE N.KIRUBAKARAN

AND

THE HON'BLE Mr. JUSTICE B.PUGALENDHI

W.P. (MD)Nos.14595, 11757, 12402, 12229 and 11608 of 2020

&

W.M.P. (MD)Nos.12248, 10491, 10610, 10113 and 10200 of 2020

E.Palani ... Petitioner in WP(MD)No.14595 of 2020

Rama Udayasooriyan ... Petitioner in WP(MD)No.11757 of 2020

Jeyanthi ... Petitioner in WP(MD)No.12402 of 2020

Master Weavers Association

Rep. by its Secretary,

Tsa Subramanian, 153 Gomathiapuram 1st Street,

Sankarankoil - 627756,

Tenkasi District

... Petitioner in WP(MD)No.12229 of 2020

P.Siva Padmanabhan

... Petitioner in WP(MD)No.11608 of 2020

Vs.

1.The State of Tamil Nadu,

Rep. by its Additional Chief Secretary to Government,

Revenue and Disaster Management Department,

Revenue Administration Wing, Secretariat, Fort St. George,

Chennai - 600 009.

2.The Principal Secretary/Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.

3.The Commissioner of Land Administration (FAC),
Chepauk, Chennai - 600 005.

4.The District Collector,
Tenkasi District, Tenkasi.

5.The District Revenue Officer,
Collectorate, Tenkasi District, Tenkasi.



6.The Government of India, Rep. by its Director,
Ministry of Environment,
Forest and Climate Change,
Indira Parayavaran Bhawan,
3rd Floor, Vayu Wing, Jor Bagh Road,
Aliganj, New Delhi - 110 003

... Respondents in W.P.(MD)No.14595 of 2020

1. The Additional Chief Secretary,
Revenue and Disaster Management Department,
Government of Tamilnadu, Fort St. George,
Chennai -600 009.

2. The Principal Secretary /
Commissioner of Revenue Administration,
Chepauk, Chennai -600 005

3. The District Collector,
Tenkasi District, Tenkasi.

4. The Superintendent of Police,
Tenkasi District, Tenkasi.

... Respondents in WP(MD). 11757 of 2020

1. The State of Tamil Nadu
Rep. by its Secretary to Government,
Public Works Department, St.George Fort,
Chennai -600 009.

2. The Principal Secretary /
Commissioner of Revenue, Administration,
Chepauk, Chennai - 600 006.

3. The Commissioner of Land Administration (Fac),
Chepauk, Chennai - 600 006.

4. The Engineer in Chief (Buildings) and
the Chief Engineer (Buildings), Chennai Region,
Public Works Department, Chepauk, Chennai - 600 005.

5. The District Collector,
Office of the Collectorate Building, Tenkasi District.

... Respondents in WP(MD). 12402 of 2020

1. The Addl. Chief Secretary
Revenue and Disaster Management Department,
Govt.Of Tamil Nadu, Fort St.George, Chennai - 600 009.



2. The Prl.Secretary/commissioner Of Revenue Administration,
Chepauk, Chennai - 600 005.

3. The District Collector Tenkasi District , Tenkasi.
... Respondents in WP(MD). 12229 of 2020

WEB COPY

1. The Govt of Tamil Nadu
Rep. by its Chief Secretary, Fort St. George, Chennai-09

2. The Additional Chief Secretary,
Revenue and Disaster Management Department Government of Tamilnadu,
Fort St. George, Chennai-09

3. The Principal Secretary/commissioner Of Revenue Administration,
Chepauk, Chennai-05

4. The District Collector Tenkasi District, Tenkasi

5. The Superintendent of Police Tenkasi District,Tenkasi

6. Mr.Ponnaiya Pandaram,
S/o.Mr.Pandaram, No.1/388, Indhra Colony, Patapathu,
Ayiraperi, Tenkasi.

(R6 is Impleaded Vide Court Order Dated 28.10.2020 made In
WMP(MD).11435/2020 in WP(MD).11608 of 2020)

... Respondents in WP(MD). 11608 of 2020

Prayer in W.P.(MD)No.14595 of 2020

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the respondents from constructing the Tenkasi District Collectorate Buildings and access road by acquiring the Agricultural lands, in Aayiraperi Pattapathu Village, Tenkasi Taluk, and consequently, direct the respondents to construct the proposed new Collectorate Buildings for Tenkasi District in the Government wed lands, situated near to the Tenkasi Town more particularly in (1) Kadayanallur Parambu, (2) Ilathur Vilakku, (3) Aykkudi Vilakku, (4) Near to Tenkasi New Bus Stand, (5) Udaikulam (which is not having any irrigation lands at present) and (6) Near to Nallamani College or any other wed lands, situated near to the Madurai to Kollam National Highway.

Prayer in W.P.(MD)No.11757 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents not to construct the Master Plan Complex to accommodate the collectorate and other top offices at the water prone area of Melagaram, Tenkasi Taluk and District and consequently construct the same in any other place located in the centre place of the District which is convenient for all the peoples



of Tenkasi District based on the petitioner's representation dated 28.01.2020 and for any other relief which is suitable for the convenience of general public of Tenkasi District, within the stipulated period by this Honourable Court.

Prayer in W.P.(MD)No.12402 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus, directing the respondents to choose the place for proposed construction of new collectorate building of Tenkasi District from Melagaram village to some other village in order to protect the agricultural land which covered by lakes and ponds by considering the petitioner's representation dated 11.09.2020.

Prayer in W.P.(MD)No.12229 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue an order or direction more particularly in the nature of writ of Mandamus forbearing the respondents from constructing the Master Plan Complex to accommodate the collectorate and other top offices at the wet land of Melagaram Village, Tenkasi Tk and Dist and consequently construct the same in Sankarankoil Tk., which is located in the centre place of the District which is convenient for all the peoples of Tenkasi District based on the petitioner's representation dated 26-08-2020, within the stipulated period by this Honourable Court.

Prayer in W.P.(MD)No.11608 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue an order or direction more particularly in the nature of writ of Mandamus forbearing the respondents from using the agricultural lands in Survey Nos.354/1, 355/2, 356, 357/1, 357/2, 358, 359, 360/1, 362 to 366, 367/1, 367/2, 368/1, 368/2, 369, 370/1B, 371/1, 371/3, 372/1 and 372/2 to an extent of 12.09.05 (29 acres 87 cents) Melagaram Village, Tenkasi Taluk Tenkasi District for the construction of new Collectorate and other offices as Master Plan Complex for the Tenkasi District and construct the same in any other non agricultural suitable place convenient for all the people in Tenkasi District by utilizing the fund allotted to this purpose by the 2nd respondent vide GO Ms No.378 dated 22.7.2020.

For Petitioner : Mr.M.Saravanakumar
in WP(MD).14595 of 2020

Mr.G.Radhakrishnan
in WP(MD). 11757 of 2020

Mr.D.S.Haroon Rasheed
in WP(MD). 12402 of 2020



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Mr.H.Velavadhas
in WP(MD). 12229 of 2020

Mr.Ananth C.Rajesh
in WP(MD). 11608 of 2020

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For Respondents : Mr.Sricharan Rangarajan
Additional Advocate General
Assisted by
Mr.M.Muthugeethaiyan
Special Government Pleader
for R1 to R5 in WP(MD).14595,
12402, 11608 of 2020 &
for R1 to R4 in
WP(MD).11757 of 2020 &
for R1 to R3 in
WP(MD).12229 of 2020

COMMON ORDER

(Order of the Court was made by N.KIRUBAKARAN, J.)

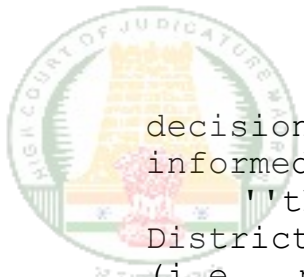
These Writ Petitions have been filed with regard to location of new District Collectorate Building for Tenkasi District.

2.Heard the learned counsel appearing for the parties.

3.Mr.Sricharan Rangarajan, learned Additional Advocate General appearing for the State would submit that the earlier site chosen by the Government for construction of Tenkasi District Collectorate Master Plan Complex at Melagaram Village, i.e., near Ayiraperi Village has been cancelled and an alternate site, which is acceptable for the common public will be identified wherein, the new Master Plan Complex will be constructed. It is also informed by the District Collector, Tenkasi, that the Additional Chief Secretary and Commissioner of Revenue Administration have inspected 9 sites on 17.09.2020 with the other officials of District Administration. During the said inspection, they met various political parties, public representatives and the representatives of Employees and Farmers Associations. The team identified 9 sites for construction of Master Plan Complex for Tenkasi District, including the Seed Farm site in Melagaram Village and also filed a report.

4.It is informed by the learned Additional Advocate General, based on the instruction given by the District Collector, Tenkasi, that the inspection report is under the active consideration of the Government. The Government will choose the new site and fresh financial sanction. The relevant paragraphs of the communication sent by the District Collector, Tenkasi, dated 15.10.2020, to the Additional Advocate General, reads as under:-

'Considering the above, the Government reviewed its own



decision and on 16.09.2020 Hon'ble Minister for Revenue has informed in the Tamil Nadu Legislative Assembly that, "the site chosen for the construction of Tenkasi District Collectorate Master Plan Complex in Melagaram Village (i.e., near Ayiraperi Village) is cancelled and an alternate site which is acceptable for the common public will be identified and wherein the new Master Plan Complex will be constructed."

Accordingly, the Additional Chief Secretary and Commissioner of Revenue Administration has inspected 9 sites on 17.09.2020 with the District Collector of Tenkasi, District Revenue Officer, Tenkasi and with other officials of District Administration. During the visit of Additional Chief Secretary and Commissioner of Revenue Administration, various Political parties and Public representatives, representatives of various Employees, Farmers Associations represented against the construction of Master Plan Complex in Melagaram Seed Farm Site.

Further, based on the personal inspection of all the 9 sites identified for construction of Master Plan Complex for Tenkasi District (including the Seed Farm site in Melagaram Village) and representations received the Additional Chief Secretary and Commissioner of Revenue Administration has recommended alternate sites to Government which are easily accessible from all parts of the Tenkasi District.

The inspection report is under the active consideration of the Government. Government will inform the new site and fresh financial sanctions will be made for construction. However, it has already been informed that the Melagaram site is not favoured by the Government due to the objection from public and has also assured already the same in the Legislative Assembly. "

5.From the above, it is clear that the Government has not decided upon the site for construction of new Collectorate building for Tenkasi District and the Government would take a decision based on the report filed by the Joint Inspection Committee.

6.Recording the abovesaid submission, these Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

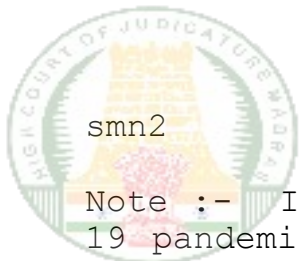
Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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 Chief Secretary to Government of Tamil Nadu,
Fort st. George, Chennai 600 009.
2. The Additional Chief Secretary to Government of Tamil Nadu,
Revenue and Disaster Management Department,
Revenue Administration Wing, Secretariat, Fort St. George,
Chennai - 600 009.
3. The Principal Secretary/Commissioner of
Revenue Administration,
Chepauk, Chennai - 600 005.
4. The Commissioner of Land Administration (FAC),
Chepauk, Chennai - 600 005.
5. The District Collector,
Tenkasi District, Tenkasi.
6. The District Revenue Officer,
Collectorate, Tenkasi District,
Tenkasi.
7. The Director,
Government of India,
Ministry of Environment,
Forest and Climate Change,
Indira Parayavaran Bhawan,
3rd Floor, Vayu Wing,
Jor Bagh Road, Aliganj, New Delhi - 110 003.
8. The Secretary to Tamilnadu Government,
Public Works Department, St. George Fort, Chennai -600 009.
9. The Engineer in Chief (Buildings)
and the Chief Engineer (Buildings),
Chennai Region, Public Works Department,
Chepauk, Chennai - 600 005.
10. The Superintendent of Police Tenkasi District, Tenkasi.



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+1 CC to M/s.ANANTH C.RAJESH, Advocate SR-20674
+1 CC to M/s.H.VALAVADAS, Advocate SR-20672
+1 CC to M/s.G.RADHA KRISHNAN, Advocate SR-20673
+1 CC to M/s.M.SARAVANA KUMAR, Advocate SR-20746
+1 CC to M/s.K.SANKARARAMAR, Advocate SR-20741
+1 CC to M/s.Special Government Pleader SR-20807

W.P. (MD)Nos.14595, 11757, 12402, 12229 and 11608 of 2020

28.10.2020

SV2 (CO)

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