



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

Writ Petition (MD).No.271 of 2021

and

W.M.P. (MD).No.9652 of 2021

T.Ravichandran

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Madurai District,
Madurai.

2.The Assistant Director (Panchayats),
O/o. the Assistant Director,
Madurai.

3.The Block Development Officer
(Village Panchayat),
O/o. the Block Development Officer
(Village Panchayat),
Madurai West Panchayat Union,
Madurai.

4. R.Saranya
(Impleaded vide order dated 28.07.2021
in W.M.P(MD).No.9450 of 2021)

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in Na.ka.No.1234/2020/A-4 dated 24.12.2020 passed by the respondent No.2 quash the same and consequently restraining the respondents from acquiring the land in OSR Survey No.73/1 for constructing the Village Panchayat Office at Aalathur, Thirumalpuram Post, Madurai District.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.A.K.Manikkam,
Standing counsel for Government,
for R1 and R2
Mr.M.Karuppasamy for R3
Mr.K.K.Ramakrishnan for R4



O R D E R

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

We have heard Mr.S.M.A.Jinnah, learned counsel appearing for the writ petitioner; Mr.A.K.Manikkam, learned Government Counsel appearing for the respondents 1 and 2; Mr.M.Karupphasamy, learned counsel appearing for the third respondent and Mr.K.K.Ramakrishnan, learned counsel appearing for the fourth respondent.

2. This writ petition styled as a public interest litigation filed by a former President of the Village Panchayat objecting the construction of the Village Panchayat Office, pursuant to the proceedings dated 24.12.2020, passed by the second respondent. The only contention of the petitioner is that already Panchayat office building is existing and if they want they can demolish the building and reconstruct a modern building or put up additional construction adjoining to the existing building.

3. On perusal of the counter-affidavit filed by the official respondents, it is seen that a proposal to put up the construction did not emanate recently, but decision was taken as early as in the year 2019 and a sum of Rs.19.72 lakhs was sanctioned for construction under the Mahatma Gandhi National Rural Employment Guarantee Scheme. The petitioner's contention is that the land is a OSR land and therefore, the construction should not be made. A sketch has been filed by the respondents in their typed set of papers, from which, it is seen that there is already in existence a community hall, a temple, overhead water tank, tea shops, a motor room and adjoining the same is the Government Middle School and proposed construction is in the western corner of the entire area.

4. In our considered view, it is not for the Court to decide as to where the Panchayat office should be located nor it is for the writ petitioner to dictate terms to the Government as to where the office should be located. All the logistics will be considered by the District Collector and a decision will be taken.

5. The learned Government Counsel appearing for the respondents submitted that already the District Collector has personally visited the site and examined all factors and after considering the objections given by the writ petitioner, the District Collector has passed an order, dated 14.05.2021 and we find the order to be a detailed order.

6. Thus, we are satisfied that there is no error in the decision taken by the respondents to put up the new Panchayat Office building nor there is any error in the decision making process. Hence, we find no grounds to entertain this public interest litigation.



7. Accordingly, this **Writ Petition is dismissed** and interim order of *status quo* already granted is vacated. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

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/ /2021

Sub Assistant Registrar(CS)

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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 District Collector,
Collectorate,
Madurai District,
Madurai.
- 2.The Assistant Director (Panchayats),
O/o. the Assistant Director,
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O/o. the Block Development Officer
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+1 CC to M/s.SPL GP (SR-24217,24373[F] dated 28/07/2021)

Writ Petition (MD).No.271 of 2021

(2/2)

28.07.2021

RK (06.09.2021) 3P 5C