



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.10131 of 2021

and

W.M.P(MD)No.7856 of 2021

A.Mayandi

... Petitioner

Vs.

1.The District Collector,
Madurai,
Madurai District.

2.The District Collector,
TAHDCO,
Madurai District.

3.The Executive Engineer,
TAHDCO Madurai Division,
Madurai District.

4.Periyakaruppan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 not to construct marriage hall by the fourth respondent in Survey No.134/3 and 7A Village No.202 in the playground situated at Ambedkar Colony, K.Puliangulam Village, Thirumangalam Taluk, Madurai District based on the petitioner's representation dated 29.04.2021 within a time frame.

For Petitioner	: Mr.N.Madhava Govindan
For RR 1 to 3	: Mr.P.Thilak Kumar
	Government Pleader
For R - 4	: Mr.S.Rajesh Kanna

ORDER

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

The petitioner has filed the above Writ Petition as a Public Interest Litigation to issue a Writ of Mandamus, directing the respondents 1 to 3 not to permit the fourth respondent from constructing a marriage hall in Survey Nos.134/3 and 7A, Village No.202 in the playground situated at Ambedkar Colony, K.Puliangulam



Village, Thirumangalam Taluk, Madurai District based on the petitioner's representation dated 29.04.2021 within a time frame.

2.It is the contention of the petitioner that the fourth respondent is constructing a marriage hall in the land in Survey Nos.134/3 and 7A, which is ear-marked as a playground. The petitioner has further stated in his affidavit that the respondents 1 to 3 allotted the land to the fourth respondent for the construction of a marriage hall. The petitioner has also stated that if the construction of the marriage hall is not shifted to some other place, the entire Village people would be prejudiced and the children shall not have playground.

3.The third respondent filed a counter-affidavit, wherein, it has been specifically stated that the petitioner has made false and baseless averments in the affidavit filed in support of the Writ Petition and also stated that the proposed site is situated in a very congested area. The third respondent has also stated that the proposed site has been specifically left vacant in the hamlet with the sole object to bring the proposed community hall for the welfare of the Adi Dravidar people. The Executive Engineer has also stated that it is everyone's dream of K.Puliangulam Village to build a community hall in the hamlet area. In paragraph No.10 of the counter-affidavit of the third respondent, it has been stated that there is no alternative site available in the hamlet for the construction of the community hall and the Special Tahsildar, Usilampatti, has also conducted a field inspection and the proposed site has been identified after obtaining opinion from the Villagers. Further, it has been stated that everyone in the Village has supported the construction of the community hall and the petitioner's mother, who is having a piece of vacant land adjacent to the proposed site, is raising objections to shift the place of construction to some other area to achieve her personal agenda with malafide intention.

4.From the counter-affidavit of the third respondent, it is clear that the petitioner has filed the above Writ Petition as a Public Interest Litigation to achieve his personal agenda and there is no public interest involved in the Writ Petition.

5.The fourth respondent in his counter-affidavit has denied the averments stated in the affidavit filed in support of the Writ Petition and also submitted that the petitioner with some ill motive has filed the Writ Petition.

6.When the petitioner has got personal interest in the site adjoining the site in question, the construction of a community hall for the benefit of K.Puliangulam Villagers cannot be re-located at his whims and fancies. That apart, the petitioner has not established his contention that the site in question is a place ear-



it has been notified as a playground. In these circumstances, the petitioner is not entitled for any relief in the Writ Petition. The Writ Petition is devoid of merits and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

WEB COPY

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

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,
Madurai,
Madurai District.
- 2.The District Collector,
TAHDCO,
Madurai District.
- 3.The Executive Engineer,
TAHDCO Madurai Division,
Madurai District.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-29145[F]
dated 15/09/2021)

+1 CC to M/s.SPL. GP (SR-29133[F] dated 15/09/2021)

**W.P(MD)No.10131 of 2021
14.09.2021**

GC(24.09.2021) 3P 6C