



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.P. (MD) No.15559 of 2020

and

W.M.P. (MD) Nos.13060 & 13061 of 2020

B.Chandrasekaran

... Petitioner

Vs.

- 1.The District Collector,
Trichy District,
Trichy.
- 2.The Commissioner,
Trichy Corporation,
Trichy.
- 3.The Revenue Divisional Officer,
Trichy, Trichy District.
- 4.The Tahsildar,
Thiruverambur Taluk,
Trichy District.
- 5.The Village Administrative Officer,
Ellakudi Village,
Kattur Post,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari calling for the records pertaining to the impugned order passed by the 1st respondent in Na.Ka.Aa4/19489/2019, dated 01.09.2020 and quash the same.

For Petitioner : Mrs.J.Anandhavalli

For Respondents : Mr.K.Mu.Muthu,
Additional Government Pleader
for RR.1, 3 to 5

Mr.N.S.Karthikeyan,
Standing Counsel for R.2



ORDER

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

The petitioner has come forward to file this writ petition challenging the order of the first respondent transferring the land, which has been classified as thrashing site, for the purpose of construction of a Underground Sub-Pumping Station.

2. The learned Counsel appearing for the petitioner submitted that there are agricultural lands surrounding and they are utilizing the said place for thrashing, for a quite number of years. The classification is also thrashing site. There is also a pathway and a channel in the aforesaid land, apart from two old standing trees. Though in the counter affidavit, it has been stated that they will not be disturbed, as they form part of the extent of the land, the proposed project will have an adverse impact. It is well open to the respondents to consider a different place. There is no sufficient opportunity given before passing the impugned order, though it states so. The earlier orders relied upon are not applicable to the case on hand, as we are dealing with a different sub-station sought to be earmarked. Therefore, appropriate orders will have to be passed.

3. The learned Standing Counsel appearing for the Corporation submitted that the place has been earmarked in pursuant to the Central Government Scheme, while extending the city under the Smart City project. It is not possible to change the scheme by identifying a different land, since all the sub-stations are interconnected, leading to the main sewerage station. Appropriate opportunity has been given and it not correct to state that the villagers are using it for thrashing, though it is meant for thrashing, as in view of the technological developments, such thrashing takes place in the agricultural land itself. It is further submitted that there are only 40 acres of land surrounding. The project is meant for larger public interest and the other boundaries consist of residential houses. Sufficient care has been taken to leave the pathway and the channel, apart from the two standing trees. Thus, the petitioner cannot have any grievance.

4. This Court paid it's anxious consideration to the rival submissions.

5. The project, obviously, involves a larger public interest. We can take judicial notice of the fact that thrashing in the State of Tamil Nadu does not takes place in an open place, as against mechanized one. When the respondents filed a counter affidavit stating that in fact, such thrashing is not taking place any longer, we cannot give a contra finding. Be that as it may, the grievance of the petitioner has been sufficiently addressed by not obliterating the existing pathway and the channel. Similarly, the standing trees are meant to be untouched. We only expect the respondents that they



make sure that the aforesaid aspects are looked into at the time of creating the scheme. We also find due procedure has been followed.

6. As the scheme caters to various residents in the locality, we are of the view that the same is not required to be interfered with. Though the earlier challenges are not pertaining to the present area identified, the fact remains that whenever a drainage sub-station is proposed to be established, it invites objections from the locality. Perhaps, this is one such case. Thus, looking from any perspective, we do not find any reason to interfere with the impugned order.

7. In such view of the matter, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The District Collector,
Trichy District,
Trichy.

2.The Commissioner,
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Trichy.

3.The Revenue Divisional Officer,
Trichy, Trichy District.

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Kattur Post, Trichy District.

+1 CC to GP (SR-5156[F] dated 15/02/2021)

W.P. (MD) No.15559 of 2020
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(KUN)

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