



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2021

CORAM:

THE HON'BLE MR. JUSTICE M.SUNDAR

W.P (MD) No.20632 of 2021

S.Mampatti Panchayat
Represented by its President,
Thamaraiselvam.

... Petitioner

Vs.

1.The Secretary,
Rural Development and Panchayatraj Department,
St. George Fort,
Chennai - 600 009.

2.The Director of Rural Development and Panchayatraj,
Directorate of Rural Development,
Panagal Maligai,
Chennai - 600 015.

3.The District Collector,
Sivagangai District,
Sivagangai.

4.The Block Development Officer,
Singampunari,
Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the respondents to pass on order to collect professional tax from the staffs and teachers of the Eriyur Government Higher Secondary School, by the petitioner's panchayat based on petitioner's representation dated 09.10.2021.

For Petitioner	:	Mr.M.Subash Babu
For Respondents	:	Mr.C.Satheesh, Government Advocate for R1 to R3 Mr.N.Muthuvijayan, Special Government Pleader for R4



O R D E R

Mr.M.Subash Babu, learned counsel for writ petitioner is before this Court.

2. Learned counsel submits that Singampunari Panchayat Union comprises of more than 30 Villages including D.Mampatti Panchayat but some time in 1978 (10.01.1978 to be precise) the second respondent made an order according to which 'lands comprised in survey numbers viz., S.Nos.72 to 96 and 109 to 141 (hereinafter 'said lands' for convenience) were transferred to S.Mampatti Panchayat (writ petitioner panchayat) for administrative reasons. Challenge to such transfer and the revenue derived or deprived owing to such transfer did not succeed in the Court of law. To be noted, W.P.No.6903 of 1980 in this regard was dismissed by a Hon'ble Single Judge and the dismissal was confirmed by a Hon'ble Division Bench by order dated 14.06.1981 made in W.A.No.123 of 1981. The most relevant paragraph in order of Hon'ble Division Bench is paragraph 4 and the same reads as follows:

'4. As to in what manner the areas of adjoining panchayat or townships should be reconstituted is purely on administrative decision and therefore, many of the factual aspect relied upon by the appellant relating to the contents involved, the population in the respective areas, and the revenue derived from the related areas cannot be taken in to account in a proceedings of this nature.'

(Underlining made by this Court for ease reference)

3. Prayer in the captioned writ petition now is to direct the respondents to pass orders to collect professional tax from staff and teachers of Eriyur Government Higher Secondary School by the petitioner panchayat on the ground that this school is situate in said lands.

4. Learned counsel submits that a detailed representation has been sent on 09.10.2021 and the same as placed before this Court (along with postal consignment track reports) is as follows:

[illegible]

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மாண்புமிகு திருவள்ளூர் துணைத் தலைவர்,
திருவள்ளூர் அகப்பேரறிவு,
திருவள்ளூர்.

செய்துரை :- மன:நினைவு அமைதி, அமைதி.

2000

Quercus

ເຊນີເຟນ ພຸດທະ - ສາວອາດມີ ສາດສະໜາ ຄຳສັ່ງ ຄຳສັ່ງ
 ພຸດທະ ພຸດທະ ພຸດທະ ພຸດທະ ພຸດທະ ພຸດທະ ພຸດທະ ພຸດທະ
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Cartesian

- [illegible]

[illegible]

சென்னை ஊராட்சி ஒன்றிய நிர்வாகத்தின்படி, 30 கிராம ஊராட்சிகள் செயல்பட்டு வந்த ஊராட்சிகள் ஒன்றாக இணைக்கப் படுவதில் சிலம் கனம் உறுப்பினர்கள் கனம் ஊராட்சி ஒன்றிய நிர்வாகத்தை கவனித்திருக்கிறார்கள். இவை மீது கவனம் செலுத்தி நடவடிக்கை எடுக்கப்பட்டு வருகிறது. 72 ஊராட்சி 86 கிராமங்கள் 109 குடும்ப 141 காலனிகள் நிர்வாகத்தின்படி செயல்பட்டு வருகிறது.

[illegible][illegible]



ப. தாமரைசெல்வம்

இந்தியாவின் மான்மரூபி தாயகம்

சாட்சிகள், அங்காதிவாரியர், ஆய்விதழுவர் (PC) 530 566.

புதுமனதில்லம்

[illegible]

डा. अशोक - २००००, सिविल इंजिनियर, मुंबई, महाराष्ट्र (P.O.) ४०० ०००

STATE OF NEW YORK

Ph : 97865 25059

Order	Lot Size	Cost (\$)
1	74/5	3.55
2	74/8	3.49
3	74/13	3.15
4	75/23	3.13
5	75/3	3.50
6	76/1	3.26
7	76/2	3.51
8	75/3A	3.58

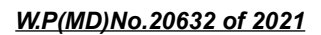
தேவாலய சபை அளித்திருக்கும் செய்தி - கனம் சீமாட்டி அவர்கள் தமது அலுவலர் சீர்திருத்த நடவடிக்கை தொடர்பாக அளித்திருக்கும் செய்தி மிகவும் புகழ்பெற்றதாக இருக்கிறது. மேலும் கனம் சீமாட்டி அவர்கள் தமது அலுவலர் சீர்திருத்த நடவடிக்கை தொடர்பாக அளித்திருக்கும் செய்தி மிகவும் புகழ்பெற்றதாக இருக்கிறது. மேலும் கனம் சீமாட்டி அவர்கள் தமது அலுவலர் சீர்திருத்த நடவடிக்கை தொடர்பாக அளித்திருக்கும் செய்தி மிகவும் புகழ்பெற்றதாக இருக்கிறது.

ค่าเฉลี่ยรวม
3.153
0.940
0.118
0.005
0.260
0.320
1.590
1.180

[illegible][illegible][illegible]

தேவதாசுரர்
தேவதாசுரர்

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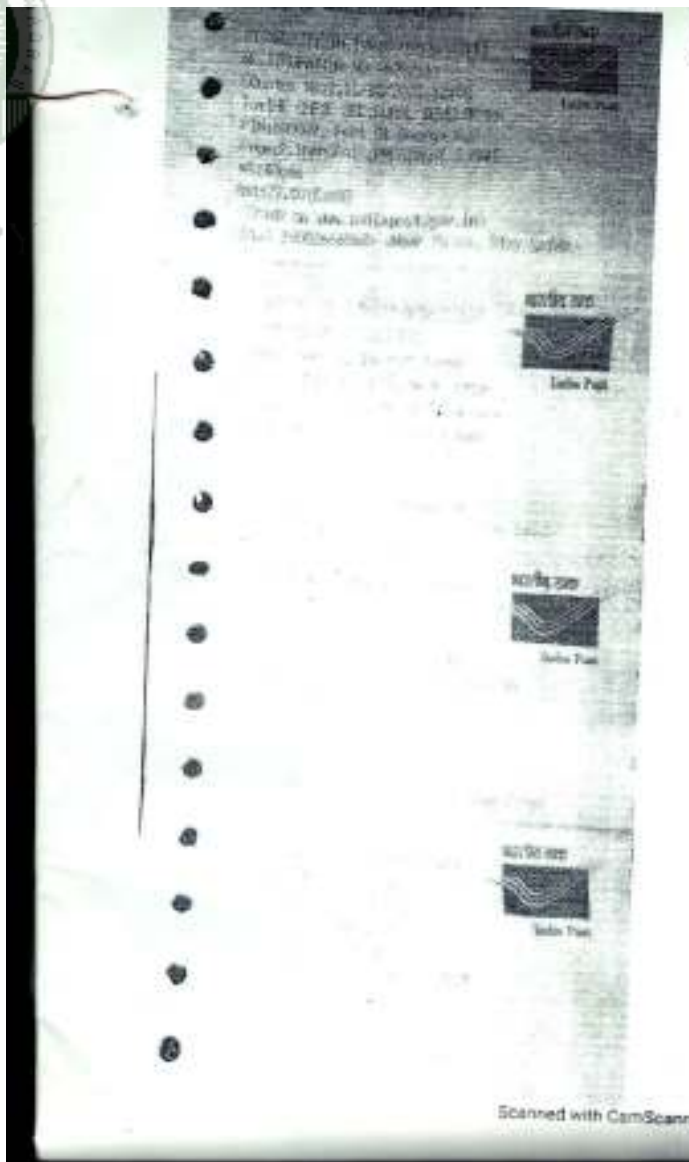
25
ப. துருத்திசெல்லம்
தொழில் நுட்ப அமைதி
கலை, கருத்து, கருத்து (PO) 666
தொழில் நுட்ப அமைதி
PH : 97865 25053

ஆகவே அதன் மூலம் அப்படி அமைந்த போது அப்படி
கேள்விகளில் பதிலளிப்பதில் ஆகியவற்றும் பதிலளிப்பதில் கேள்வி
கள் வந்திருப்பதில் பதிலளிப்பதில் கேள்வி வந்திருப்பதில் கேள்வி
மற்றும் கேள்வி வந்திருப்பதில் கேள்வி வந்திருப்பதில் கேள்வி
கேள்வி வந்திருப்பதில் கேள்வி வந்திருப்பதில் கேள்வி

இ. ப. சிவசுந்தரி



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Track Consignment

Sign in Register

Track Consignment

Indicates acquisition field

* Consignment Number
RTG5822312786

Track My Item

Booked At	Booked On	Destination Pincode	Item	Article Type	Delivery Location	Delivery Confirmed On
Thirupur	11/12/2021	600015	27.00	Registered Letter	Saidapet S.O (Chennai)	12/10/2021 15:41:26

Event Details For : RTG5822312786

Current Status : Item Delivery Confirmed

Date	Time	Office	Event
12/10/2021	15:41:26	Saidapet S.O (Chennai)	Item Delivery Confirmed
12/10/2021	13:55:45	Saidapet S.O (Chennai)	Out for Delivery
12/10/2021	10:50:27	Saidapet S.O (Chennai)	Item Packed
12/10/2021	11:04:55	ANNA HCAD 2 CHC	Item Dispatched
12/10/2021	11:07:13	ANNA HCAD 2 CHC	Item Mapped
12/10/2021	09:57:57	ANNA HCAD 2 CHC	Item Reached
12/10/2021	08:20:45	Korukkud Giring M/O	Item Dispatched
12/10/2021	08:07:50	Korukkud Giring M/O	Item Mapped
12/10/2021	15:24:20	Korukkud Giring M/O	Item Reached
12/10/2021	15:05:26	Thirupur S.O	Item Dispatched
12/10/2021	15:44:10	Thirupur S.O	Item Mapped
12/10/2021	09:11:52	Thirupur S.O	Item Received

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https://hcservices.ecourts.gov.in/hcservices/



Track Consignment

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* Consegna in mano:

HTC59225: 25/14

[Track More](#)

Event Details For : RT15022313574

Current Status : Item Delivery Confirmed

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¹⁰ <http://www.inec.fr/inec/inec.php?lang=fr>.



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Track Consignment

Indicates a required field.

* Consignment Number
RTG00221449

Track Now

Booked At	Booked On	Destination Pincode	To Pin	Article Type	Delivery Location	Delivery Confirmed On
Singaperumal S.O.	11-06-2021 10:11:42	686552	20122	Registered Letter	Singaperumal S.O.	12-06-2021 11:00:00

Event Details For : RTG00221449

Current Status : Item Delivery Confirmed

Date	Time	Office	Event
12-06-2021	10:00:00	Singaperumal S.O.	Item Delivery Confirmed
12-06-2021	10:00:00	Singaperumal S.O (Dead Number?)	ITEM DELIVERED Item Delivered [To APJLPM634946]
12-06-2021	09:00:42	Singaperumal S.O.	Out for Delivery
12-06-2021	04:17:00	Singaperumal S.O.	Not Picked Up
12-06-2021	22:00:00	Madurai Sorting TX	Item Dispatched
12-06-2021	22:00:00	Madurai Sorting TX	Item Picked Up
12-06-2021	10:00:00	Madurai Sorting TX	Item Dispatched
12-06-2021	10:00:00	Madurai S.O.	Item Dispatched
12-06-2021	10:00:00	Madurai S.O.	Item Picked Up
12-06-2021	10:00:00	Madurai S.O.	Item Picked Up

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5. Notwithstanding the aforesaid facts, expansive prayer, hearing in the admission board, learned counsel submitted that he would abridge the prayer and it would suffice if there is a mandamus qua third respondent to dispose of the aforementioned representation.

6. Disposal of aforementioned representation by third respondent would necessarily mean that the other panchayat viz., D.Mamapatti Panchayat should also be given an opportunity to set out their stated position. In this view of the matter, as the captioned main writ petition is being disposed of in the admission board, adequate safeguard will be made in this regard and the same will be set out elsewhere infra in this order.



7. Mr.C.Satheesh, learned Government Advocate accepts notice on behalf of respondents 1 to 3 and Mr.N.Muthuvijayan, learned Special Government Pleader accepts notice on behalf of fourth respondent, both learned State Counsel submit that the petitioner will also have to explain delay and laches in approaching this Court as the petitioner says that repeated representations were made but the same have not been placed before this Court. It was also pointed out that the representation can be considered only on its own merits and in accordance with law. There is no difficulty in accepting this submissions of learned State Counsel.

8. Before making the operative portion of this order, this Court deems it appropriate to make it clear that under the normal circumstances, a writ petition filed after passage of such length of time would not have been entertained by this Court but case on hand is being entertained as a one off measure owing to three reasons. One reason is the question of explaining the delay is left open while disposing the representation and the second reason is the matter pertains to a local body and revenue for the local body which is of immense significance in the three-tier panchayatiraj in a democratic republic. Third reason is order of Hon'ble Division Bench of this Court touches upon the revenue aspect qua transfer of lands and this Court is informed that the school concerned situate in said lands (as already captured in the narrative supra).

9. In the light of the narrative thus far, the following order is passed:

a) third respondent shall dispose of the aforementioned representation of writ petitioner dated 09.10.2021 on its own merits and in accordance with law, uninfluenced by any views that have been expressed by this Court in this order;

b) third respondent shall issue notice to D.Mampatti Panchayat, give ample / adequate opportunity to D.Mampatti Panchayat to put forth their stated position take into account/consider the same and thereafter dispose of the representation. To be noted, this is the safeguard while that has been put in place and the same has been alluded to supra elsewhere in this order;

c) the above exercise shall be completed by the third respondent as expeditiously as the official business of the third respondent would permit and in any event within three months from today i.e., on or before **(*)18.02.2022;**

d) disposal of the aforementioned representation by third respondent i.e., proceedings disposing of



representation shall be communicated to the writ petitioner panchayat as well as D.Mampatti Panchayat under due acknowledgments within seven working days from the date of disposal.

10.The captioned main writ petition is disposed of with the aforesaid directives. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

**(*)Amended as per order of this
Hon'ble Court dated 14.12.2021
made in WP(MD)No.20632 of 2021**

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

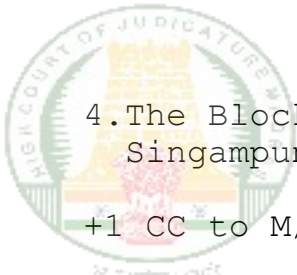
Note :

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:-

**(*)To be Substituted the order already despatched
on 02.12.2021**

- 1.The Secretary,
Rural Development and Panchayatraj Department,
St. George Fort,
Chennai - 600 009.
- 2.The Director of Rural Development and Panchayatraj,
Directorate of Rural Development,
Panagal Maligai,
Chennai - 600 015.
- 3.The District Collector,
Sivagangai District,
Sivagangai.



4.The Block Development Officer,
Singampunari, Sivagangai District.

+1 CC to M/s.M. SUBASH BABU, Advocate (SR-39181[F] dated 16/12/2021)

+1 CC to M/s.SPL GP (SR-35191 & 35325[F])

W.P (MD) No.20632 of 2021

18.11.2021

PS (CO)

GC (30.11.2021) 12P 7C

GC (23.12.2021) 12P 7C