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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESEVALU

W.P.No.813 of 2022

K.P.Duraisamy

..Petitioner

Vs

- 1 The State of Tamil Nadu
Rep. by its Secretary to Government
Rural Development and Panchayat Raj Department
Fort St George Secretariat
Chennai - 600 009.
- 2 The District Collector
Salem District, Salem - 636 001.
- 3 The Director
Rural Development and Panchayat Raj Department
Panagal Malaigai, Saidapet
Chennai - 600 015.
- 4 The Assistant Director
Rural Development and Panchayat Raj Department
Collectorate, Salem District.
- 5 The Divisional Engineer (C and M)
National Highway, Divisional Engineer Office
Kurangu Chavadi, Salem District.
- 6 The Assistant Engineer (C and M)
National Highway
Divisional Engineer Office
Kurangu Chavadi, Salem District.
- 7 The Block Development Officer
Veerapandi Union, Salem District.
- 8 The President
Periya Seeragapadi Village Panchayat
Veerapandi Taluk, Salem District.

..Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus forbearing the respondents from constructing the Panchayat Office in the lands comprised in S.No.32/5 situated in Chinna Seeragapadi, Periya Seeragapadi Panchayat, Veerapandi Taluk, Salem District where the weekly shandy is being carried out by considering the petitioner's representations dated 16.11.2021 and 29.11.2021.

For the Petitioner : Ms.B.Kavya

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondents 1 to 7

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

This public interest litigation has been filed to seek a direction on the respondents forbearing them from constructing the panchayat office in the land comprised in S.No.32/5 situated in Chinna Seeragapadi, Periya Seeragapadi Panchayat, Veerapandi Taluk, Salem District.

2.Learned counsel for the petitioner submits that in the place where construction of the panchayat office is proposed, a weekly shandy is being held and, therefore, the construction of the panchayat office may be made at any other suitable place. A representation was given to construct the panchayat office in any other land and it is also stated that the present panchayat office is in good condition. Therefore, it is prayed that the respondents be restrained from constructing the panchayat office in the land in S.No.32/5.

3.We have considered the submissions of learned counsel for the petitioner and find that the land in S.No.32/5 belongs to the panchayat and, accordingly, the panchayat has decided to construct its office in the said land. Therefore, the direction of the nature sought by the petitioner cannot be given for the reason that it is for the respondent authorities to decide where the panchayat office should be located and such exercise of discretion cannot be taken over by the courts. It is not for this court exercising the jurisdiction under Article 226 of the Constitution to direct where the panchayat office is to be constructed. The argument of the petitioner that a weekly shandy is being organised in the said area and, therefore, the panchayat office should be constructed in some other land does not merit acceptance, as if such construction is put up in the



said land, the respondents would make appropriate arrangements for holding the weekly shandy at some other suitable place.

4. The writ petition is devoid of merits and is, accordingly, dismissed. There will be no order as to costs. Consequently, W.M.P.No.886 of 2022 is closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To:

- 1 The Secretary to Government
State of Tamil Nadu
Rural Development and Panchayat Raj Department
Fort St George Secretariat
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- 7 The Block Development Officer
Veerapandi Union, Salem District.



8. The President,
Periya Seeragapadi Village Panchayat,
Veerapandi Taluk,
Salem District.

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PM(CO)
RGA(31/01/2022)

W.P.No.813 of 2022