



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.657 of 2022

Fhaiji Nisha Begam Hajamohideen
The President, Kottaiyur Village Panchayat
Valangaiman Taluk, Thiruvarur District. Petitioner

-Vs-

- 1.The Commissioner
HR & CE Department
Nungambakkam, Chennai 600 034.
- 2.The District Collector
O/o The District Collector
Thiruvarur District.
- 3.The Tahsildar
Valangaiman, Thiruvarur District.
- 4.The Executive Officer
Arulmighu Agatheeswarar Temple
Kottaiyur Village, Valangaiman Taluk
Thiruvarur District. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to consider the representation dated 22.11.2021 within a time frame fixed by this Hon'ble Court.

For Petitioner : Mr.S.Sabarish

For Respondents: Mr.T.Chandrasekaran
Special Government Pleader (HR&CE)
for R1 & R4
Mrs.V.Yamuna Devi
Special Government Pleader - for R2

Mr.K.Suresh, Government Advocate
-for R3

ORDER

The relief sought for in this writ petition is to direct the first respondent to consider the representation dated 22.11.2021



within a time frame fixed by this Court. The petitioner states that, he is the Village President of Kottaiyur Village Panchayat, Valangaiman Taluk, Thiruvavarur District. The petitioner states that, there is water scarcity in his village and he approached the constituency MLA and requested him to allot funds for the purpose of constructing a water tank and the funds were also allotted for the purpose of construction of water tank. There are 300 families residing in the village and one Mr. Elayaraja has filed W.P.No.8784 of 2020 to forbear the respondents from dispossessing him from the land in Survey No.2/8 and 2/9 in Kottaiyur Village in Valangaiman Taluk, Thiruvavarur District. In these circumstances, the petitioner submitted a representation to the Tahsildar on 22.11.2021 and based on the said representation the present writ petition is filed.

2. The growing trend of filing writ petition to dispose of the representation is to be considered cautiously, more specifically only if a right is established. The practice of sending some representation and filing a writ petition would cause prejudice to the other side, if such directions are issued in a routine manner. Even for issuing a direction to consider the representation, the person who is approaching the Court must establish his right or infringement of right, failing which the Court would not issue such directions.

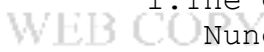
3. In the present case, the petitioner is the Village President and he submitted a representation to the Tahsildar. The President of the Village Panchayat is supposed to know the provisions of the Act and Rules for implementing certain projects. If at all certain common amenities including water tank is to be constructed, then the procedures are to be followed and the District Collector is to grant approval and all other official procedures are also to be followed. Therefore, the High Court cannot be made use as a recommending authority for the purpose of forwarding the files. It is for the petitioner, in his capacity as the Village President, to move the file before the competent authority for getting administrative sanction or otherwise. Under these circumstances, the petitioner is at liberty to approach the competent authorities by following the procedures as contemplated under the Act and Rules for implementing any welfare scheme or for providing infrastructure facilities or otherwise for the benefit of the village people. With these observations, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar



To

- W.P.No. 657 of 2022

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