



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.04.2022

Coram:

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THE HONOURABLE MR.MUNISHWAR NATH BHANDARI, Chief Justice
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.10869 of 2022
and
W.M.P.No.10486 of 2022

1. Vidhya Natarajan

2. P. Dhivya

3. K. Shankar

.. Petitioners

Vs.

1. State of Tamil Nadu
Rep. by its Principal Secretary to Government,
Municipal Administration,
Fort St. George, Chennai - 600 009.
2. The Principal Secretary to Government
Municipal Administration Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.
3. The Commissioner
Greater Chennai Corporation
Ripon Buildings
Chennai - 600 003.
4. The District Collector of Thiruvallur,
Thiruvallur.
5. The District Revenue Officer,
Land & Estates,
Greater Chennai Corporation,
Ripon Buildings, Chennai - 600 009.
6. The Commissioner & Block Development Officer,
Villivakkam Panchayat Union,
Ambattur, Chennai - 600 053.



7. The Executive Officer,
Adayalampattu Village Panchayat,
Villivakkam Panchayat Union,
Thiruvallur District.

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Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the first respondent herein to consider the resolution dated 29.11.2021 passed by Gram Sabha of Adayalampattu Village and to take steps to merge the Adayalampattu Village Panchayat with the Greater Chennai Corporation.

For petitioners : K. Rajasekaran

For respondents : Mr.P.Muthukumar,
State Government Pleader,
for RR-1, 2 and 4 to 7

Mrs.J.Karthika Ashok for R-3

ORDER

(The Order of the Court was made by The Honourable Chief Justice)

The Writ Petition has been filed to seek a direction to consider the Resolution dated 29.11.2021 passed by the Gram Sabha of Adayalampattu Village Panchayat, to merge the said Village Panchayat with the Greater Chennai Corporation.

2. The learned State Government Pleader along with learned counsel for the Greater Chennai Corporation submitted that the delimitation took place as early as in the year 2011. No challenge was made immediately or within the time and challenge was made only after a lapse of 11 years, and otherwise the decision of merger being a policy decision, no challenge can be made based on the Resolution at this point of time, and prayed for dismissal of the writ petition.

3. We have considered the submissions made on either side.

4. We find delay in approaching this Court. It is a policy decision of the Government and it was not challenged immediately, or even within reasonable time, and the challenge has been made now after lapse of 11 years. The aforesaid is only one part, otherwise, the representations of the petitioner No.3 was considered and disposed of by the official respondents. Even challenge to it has not been made. Thus, it is not that the



representations made by the petitioners, were not considered. The Resolution cannot have effect and direction cannot be given to the respondents to act upon the said Resolution in reference to the delimitation of the Greater Chennai Corporation. The delimitation is otherwise not amenable to challenge and Resolution of Panchayat cannot have effect on the Notification of delimitation. It is also that, delimitation takes place after inviting objections.

5. We otherwise find it to be a policy decision of the respondents. The direction sought for by the petitioners cannot be issued and the Writ petition is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(LA)

//True Copy//

Sub Assistant Registrar

cs/mrn

To

1. State of Tamil Nadu
The Principal Secretary to Government
Municipal Administration,
Fort St. George, Chennai - 600 009.
2. The Principal Secretary to Government
Municipal Administration Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.
3. The Commissioner
Greater Chennai Corporation
Ripon Buildings
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Land & Estates,
Greater Chennai Corporation,
Ripon Buildings, Chennai - 600 009.



6. The Commissioner & Block Development Officer,
Villivakkam Panchayat Union,
Ambattur, Chennai - 600 053.

7. The Executive Officer,
Adyalampattu Village Panchayat,
Villivakkam Panchayat Union,
Thiruvallur District.

+1cc to M/s.Karthikaa Ashok, Advocate, S.R.No.29029

+1cc to the Government Pleader, S.R.No.29706

W.P.No.10869 of 2022

JP-II (CO)
SU(10/05/2022)