



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 05.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P (MD)No.11199 of 2010

and

MP (MD)No.2 of 2010 and WMP (MD)No.3410 of 2022

Nehru Memorial Service Organisations
Represented by its Founder - President
Dr.S.Sivakamimani Muthu

... Petitioner

Vs

1.The Secretary to Government,
Rural Development and Local Administrative
Department,
Secretariat, Chennai - 600 009.

2.The Secretary to Government,
Municipal Administration,
Secretariat, Chennai - 600 009.

3.The District Collector,
Theni District.

4.The Commissioner,
Bodinayakanur Municipality,
Bodinayakanur, Theni District.

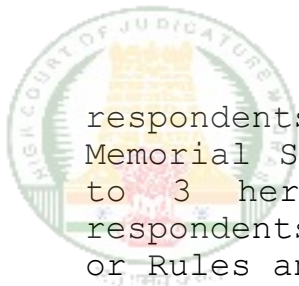
5.K.Saravana Kumar

6.The Inspector,
Town Planning,
Bodinayakanur Municipality,
Bodinayakanur, Theni District.

7.Muruganandam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified mandamus, calling for the records relating to the proceedings in O.Mu.No.8838/2009/F1, dated 11.01.2010 by the fourth and fifth respondents and to quash the same and consequently direct the respondents 4 to 7 herein to reconstruct buildings in Survey Ward No.4 and Block No.4, Town Measuring No.808, Bodinayakanur Municipality further directing the



respondents to pay compensation for a sum of Rs.10,50,000/- to Nehru Memorial Service Organization and also directing the respondents 1 to 3 herein to take appropriate departmental action against respondents 4 and 7 herein on violating in their official capacity or Rules and Regulations.

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For Petitioners : Mr.K.P.Narayanakumar
for Mr.N.Madhava Govindan
For Respondent : Mr.A.Baskaran
Nos.1 to 3, and 6 Additional Government Pleader
For Respondent : Mr.M.Karuppasamy Pandian
Nos.4
For Respondent : Mr.N.Dilip Kumar
No.5

ORDER

This writ petition is filed as against the reply dated 11.01.2010 given by the Commissioner of the Bodinayakanur Municipality.

2.By the impugned reply, the representation of the petitioner for re-opening of a creche was negatived.

3.The case of the petitioner is that the fourth respondent, the Commissioner of Bodinayakanur Municipality has donated the property in T.S.No.808/part to an extent of 1000 Sq.Ft, in favour of the Tamil Nadu Harizan Seva Sangam for the purpose of maintaining children park and home. The petitioner Sangam is a welfare organization, which was running a creche in the place donated by the fourth respondent. But all of a sudden, the respondents in a high handed manner closed the creche, without issuing any notice. Aggrieved over the same, the present writ petition is filed. It is reported that pending this writ petition, the respondents have also demolished the building.

4.The learned Counsel appearing for respondent No.4, vehemently opposes this petition that no creche was run in that place. The subject building was in a dilapidated condition, it was used by the anti social elements and in fact, an Anganwadi Centre was situated near the subject building. Based on a complaint, the then Child Development Project Officer, inspected the premises and reported on 09.12.2009 that the subject building was used by the anti social elements and therefore, there were hardships in running the Anganwadi Centre. It is also reported that the dilapidated building would collapse at any point of time. Based on this report, the subject building was sealed on 17.12.2009 and subsequently, it was demolished.

5.The learned Counsel for respondent No.5 submits that even according to the petitioner, the land was allotted to the Tamil Nadu



Harizan Seva Sangam. However, this writ petition is filed by a person, who has nothing to do with the said sangam.

6.This Court paid its anxious consideration to the rival submissions made and also perused the materials placed on record.

7.The petitioner claims that the land was allotted to the petitioner sangam for the purpose of welfare activities and they have also conducted creche in that building and the respondents without affording any opportunity of hearing and without conducting any enquiry, they have demolished the building.

8.This Court is satisfied with the submission made on behalf of the fourth respondent that since the said building was in dilapidated condition, it was used by the anti social elements and it was not in usable condition, it was sealed and subsequently, was demolished. Therefore, this Court is not inclined to entertain this writ petition. Moreover, the petitioner has not placed any document that the building was ever allotted to the petitioner sangam. The building was originally allotted to the Tamil Nadu Harizon Seva Sangam, the Harizon Seva Sangam is not a party, the petitioner has not placed any material how the building was transferred to their sangam.

9.Accordingly, this writ petition is dismissed. No costs.

10.At this juncture, the learned Counsel for petitioner submits that this writ petition was filed by the then President of the Nehru Memorial Service Organization, namely, Sivakami Manimuthu and pending this writ petition, she passed away. Therefore, a miscellaneous petition in W.M.P(MD)No.3410 of 2022 has been filed to implead the proposed petitioner as the petitioner in the writ petition, since he being the son of the said Sivakami Manimuthu.

11.Since this Court held that the petitioner sangam is not having any locus to file this writ petition, this Court is not inclined to entertain the said miscellaneous petition and accordingly, WMP(MD)No.3410 of 2022 is also dismissed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dsk



To

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Rural Development and Local Administrative
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Secretariat, Chennai - 600 009.

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Town Planning,
Bodinayakanur Municipality,
Bodinayakanur, Theni District.

+1 CC to M/s.N. MADHAVA GOVINDAN, Advocate (SR-16927[F]
dated 06/04/2022)

+1 CC to M/s.N. DILIPKUMAR, Advocate (SR-17364[F]
dated 07/04/2022)

+1 CC to M/s.SPL.GP (SR-17019[F] dated 06/04/2022)

W.P (MD) No.11199 of 2010
05.04.2022

SG(CO)
GC(06.05.2022) 4P 9C