



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

WEB COPY

W.P. [MD]No.8399 of 2022

K.V.Selvaraj

... Petitioner

Vs.

1.The District Collector,
Theni,
Theni District.

2.The District Revenue Officer,
Theni,
Theni District.

2.The District Library Officer,
Theni,
Theni District.

4.The Tahsildar,
Taluk Office,
Uthamapalayam Post,
Theni District.

5.The President,
Village Panchayat,
Seepalakottai Village,
Uthamapalayam Taluk,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to transfer Village Natham Land to an extent of not less than 5 cents from out of 5813 sq.ft (13 ½ cent) lying vacant in Survey No.851 of fifth respondent Village Panchayat in favour of the Part Time Branch Library in fifth respondent Village Panchayat as an alternative land in lieu of 0.02.02 Ares (5 cents) of land already transferred in the proceedings of the first respondent in Na.Ka.No.10581/2019/Aa3 dated 05.02.2020 by considering the representation of the petitioner dated 07.04.2022 within a period that may be stipulated by this Court.

For Petitioner : Mr.K.Ponnaiah
for M/s.Ajmal Associates

For Respondents 1 to 4 : Mr.B.Saravanan
Additional Government Pleader

For Respondent No.5 : Mr.P.Subbaraj



O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to transfer Village Natham Land to an extent of not less than 5 cents from out of 5813 sq.ft (13 ½ cent) lying vacant in Survey No.851 of fifth respondent Village Panchayat in favour of the Part Time Branch Library in fifth respondent Village Panchayat as an alternative land in lieu of 0.02.02 Ares (5 cents) of land already transferred in the proceedings of the first respondent in Na.Ka.No.10581/2019/Aa3 dated 05.02.2020, based on the representation of the petitioner dated 07.04.2022, within a time frame to be fixed by this Court.

2. According to the petitioner, the land measuring 0.02.02 Ares (5 cents) allotted for the construction of a part-time branch library pursuant to the proceedings of the first respondent dated 05.02.2020 is not ideal for the said library as it is situated in a place where it is unhygienic. The petitioner states that in lieu of the said land, there is another land available measuring more than 13.5 cents in Survey No.851 and it is ideally suitable for construction of a branch library. The petitioner belongs to the village where the branch library is likely to come up. The petitioner has given a representation on 07.04.2022 for the aforementioned purposes. It is also the case of the petitioner that the Grama Sabha has already passed Resolution No.23 to support the case of the petitioner.

3. No prejudice would be caused to the respondents if the petitioner's representation is considered on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing.

4. For the foregoing reasons, this Court directs the first respondent to consider the petitioner's representation dated 07.04.2022 as stated supra and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing within a period of twelve [12] weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1.The District Collector,
Theni,
Theni District.

2.The District Revenue Officer,
Theni,
Theni District.

2.The District Library Officer,
Theni,
Theni District.

4.The Tahsildar,
Taluk Office,
Uthamapalayam Post,
Theni District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-21977[F] dated
28/04/2022)

+1 CC to M/s.SPL.GP (SR-23187[F] dated 02/05/2022)

ORDER MADE IN
W.P. [MD]No.8399 of 2022
Date:28.04.2022

SA(19.05.2022) 3P 7C