



W.P(MD).No.2696 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2022

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.2696 of 2015

and

M.P(MD) Nos.1 to 3 of 2015

The Ponnamaravathy Housing Board,
House Owners Welfare Association,
Represented through the Secretary,
A.Rengasamy,
S/o.Adaikka Konar,
B-25, Tamil Nadu Housing Board Quarters,
Ponnamaravathy,
Pudukkottai District.

... Petitioner

Vs.

State represented by

- 1.The Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai – 9.
2. The Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St.George,
Chennai – 9.



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3. The Director/Inspector of Town Panchayats,
Chepauk, Chennai – 4.

4. The Director,
Town and Country Planning,
Chennai – 2.

5. The Managing Director,
Tamil Nadu Housing Board,
493 – Anna Salai,
Nandhanam, Chennai – 35.

6. The District Collector/ Inspector of Panchayats,
Pudukkottai District,
Pudukkottai.

7. The Executive Engineer/Administrative Officer,
Tamil Nadu Housing Board,
Trichy Housing Unit,
Kaja Malai Colony,
Trichy – 20.

8. The Executive Officer,
Ponnamaravathy Town Panchayat,
Pudukkottai District.

9. The President,
Kattupatty Village Panchayat,
Ponnamaravathy,
Pudukkottai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the 6th respondent vide his proceedings e.f.m4/1304/2013, dated 22.07.2014 and quash the



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same as illegal and consequently direct the 8th respondent to continue the basic service amenities for the Pudukkottai District, Ponnamaravathy Housing Unit.

For Petitioner : Mr.N.Palaniyandi

For Respondents : Mr.V.OM Prakash
Government Advocate
(For R1 to R4, R6 and R8)

: Mr.M.Suresh
(For R5 and R7)

: Mr.R.Velmurugan
(For R9)

ORDER

The present Writ Petition has been filed challenging the proceedings of the 6th respondent, wherein, he has concluded that the Housing Board Unit will come under the purview of the 9th respondent herein.

2. The learned Counsel for the petitioner would submit that by an impugned order, the Housing Board Unit has been placed under the purview of the 9th respondent. The 9th respondent is a Village Panchayat, but,



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however, it was originally under the control of the 8th respondent. Since the 8th respondent is Town Panchayat, the members of the petitioner Association would have better facilities. He would further submit that by the impugned order, the members of the petitioner Association are being denied of various facilities, for which, they have also made payment to the eighth respondent.

3. Countering the same, the learned Counsel appearing for the 9th respondent would submit that after the impugned order, the properties of the members of the petitioner Association have been assessed through the 9th respondent Panchayat and they have members without paying any property tax. Further, various facilities have been provided by the Panchayat to the Housing Unit and he had filed a letter of the President of the Panchayat addressed to him dated 19.12.2022.

4. A perusal of the said letter shows that various facilities have been enlisted even from the year 2016 – 2017 onwards. Therefore, he would submit that all the facilities that are availed by the petitioner in an upgraded local authorities, are being provided by the Panchayat.



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5. The Block Development Officer, Ponnamaravathy had also reiterated all the contentions set out in the letter addressed by the 9th respondent in his letter dated 15.12.2022.

6. I have considered the rival submissions made by the learned Counsel appearing on either side.

7. The impugned order came to be passed by the District Collector, as there was a dispute between the eighth and ninth respondents as to under whose control the Housing Board, namely, the fifth respondent herein would fall. The said dispute has been resolved by the District Collector, after analyzing various available material and had held that the area would fall under the 9th respondent Panchayat.

8. From the pleadings in the affidavit filed in support of the writ petition, I find that they have already paid all the development charges to the 8th respondent and by the impugned order, the 9th respondent has been held to be the local authority for the area. Therefore, they would be denied of various facilities. These pleadings seem to have been decried as per the



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letter of the 9th respondent, dated 19.12.2022 which is also supported by the letter of the Block Development Officer, Ponnamaravathy , in his letter, dated 15.12.2022.

9. In view of the above said facts, I do not find any infirmity in the impugned order passed by the 6th respondent. He has considered the various materials available before him to decide that the Housing Unit Development of the fifth respondent, Ponnamaravathy, would fall within the local authority of the ninth respondent. It is always open to the members of the petitioner Association to seek the facilities that they are entitled to, as per the Panchayat Act.

10. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes / No
Internet : Yes / No
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K.KUMARESH BABU, J.

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