



W.P(MD)No.11542 of 2016

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.11542 of 2016

and

W.M.P(MD)Nos.8820,8821 & 8999 of 2016

The President,
Pandavar Mangalam Panchayat,
Kovilpatti Taluk,
Thoothukudi District.

... Petitioner

Vs.

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Block Development Officer,
Kovilpatti,
Thoothukudi District.
- 3.The President,
Kovilpatti Panchayat,
Kovilpatti Taluk,
Thoothukudi District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the proceedings of the impugned order in



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Thi3/3187/15 dated 13.06.2016 on the file of the 2nd respondent and quash the same.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The present writ petition has been filed challenging an order passed by the 2nd respondent herein, who is the Block Development Officer of Kovilpatti, under which he has excluded the survey numbers from the Pandavar Mangalam Panchayat and included those survey numbers with the 3rd respondent Panchayat.

2. The main contention of the writ petitioner is that under Section 4 of the Tamil Nadu Panchayat Act 1994, only the 1st respondent has got jurisdiction to exclude or include any survey number in any Panchayat. Even such inclusion or exclusion has to be done only after giving reasonable opportunity to the concerned Panchayat.



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3. The learned counsel for the petitioner also relied upon a judgment of Hon'ble Division Bench of our High Court reported in **1996 (1) MLJ 596 (Grama Sabha of Kaverirajapuram Panchayat Village, Represented by its former President Chenjaiah Naidu & Others Vs. The State of Tamil Nadu & Others)** to impress upon the Court that only after granting reasonable opportunity to the concerned Panchayat, the delimitation exercise can be carried out by the 1st respondent.

4. In view of the above said facts, the order impugned in the writ petition is set aside. The 1st respondent is at liberty to consider the inclusion or exclusion of any survey number from the petitioner Panchayat, after giving due opportunity to the petitioner Panchayat.

5. With the above said observations, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

30.11.2022

Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR ,J.

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