



W.P.No.14227 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.14227 of 2023

Sivakumar

.. Petitioner

Vs

- 1.The District Collector,
Ariyalur.
- 2.The Joint Registrar,
Co-operative Societies,
Ariyalur.
- 3.The Deputy Registrar,
Co-operative Societies,
Ariyalur.
- 4.The Block Development Officer,
T.Palur Panchayat Union,
Udaiyarpalayam Taluk,
Ariyalur District.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to take suitable action to construct of the new building for the fair price shop in Kodali Village in S.F.No.212/4B of the Udayanatham East Village, udayarpalayam Taluk, Ariyalur District in the interest of the family card holders.

For the Petitioner : Mr.S.Muthukrishnan

For the Respondents : Mrs.R.Anitha
Spl. Government Pleader

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.S.Muthukrishnan, learned counsel for the petitioner and Mrs.R.Anitha, learned Special Government Pleader for the respondents.

2. The construction of a fair price shop is assailed.

3. Learned counsel for the petitioner submits that the respondents are constructing a new building for the fair price shop on



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the ground that the existing building is in a dilapidated condition. The Grama Sabha had also passed a resolution for construction of the fair price shop at a different place than the place the respondent authorities are constructing the new fair price shop. The land on which the new fair price shop is being constructed is a natham land. In case the person who has given that land raises an objection, then the money would go waste. Appropriate procedure is not followed by the respondent authorities, inasmuch as the construction of the fair price shop has to be in consonance with the resolution of the Grama Sabha. In view of that, the State authorities cannot construct the fair price shop at the site where the construction is underway.

4. The construction of new fair price shop is necessitated as the existing fair price shop building is in a dilapidated condition. The fact that the existing fair price shop is in a dilapidated condition does not appear to be a disputed fact.

5. The contention of the petitioner is that the site on which the new fair price shop is being constructed is not conducive to the villagers and inconvenience would be caused to the villagers, as they



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would have to travel 1½ kilo meters.

6. The new fair price shop building is constructed at a distance of 2 feet from the existing fair price shop building. Since for many years the fair price shop building exists at the said site, it is not for this Court to decide the place where the fair price shop should be constructed. The fair price shop is being constructed adjacent to the existing fair price shop and the land, according to the petitioner, is a natham land. No one has raised an objection with regard to the rights of the respondent authorities to construct the fair price shop building in the said land. The Grama Sabha is also not before us.

7. We would not stall the construction of the fair price shop meant for public at large.

8. Learned counsel for the petitioner submits that a representation has been filed requesting to construct the fair price shop at a different place. It is for the authorities to take a decision as to the proper place where the fair price shop is to be constructed.



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9. With these observations, the writ petition stands disposed of.

There will be no order as to costs. Consequently, W.M.P.No.13780 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

02.06.2023

Index : Yes/No
Neutral Citation : Yes/No
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To:

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- 3.The Deputy Registrar,
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THE HON'BLE CHIEF JUSTICE
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