



W.P.No.19688 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2023

CORAM :

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

AND

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

W.P.No.19688 of 2023

G.Kalpana

.. Petitioner

Vs.

1. The Secretary to Government
Rural Development & Panchayat Raj
Fort St. George, Chennai – 600 009.
2. The Commissioner
Rural Development & Panchayat Raj
Panagal Maligai, Saidapet
Chennai – 600 015.
3. The District Collector
Kancheepuram District.
4. The Tahsildar
Kundrathur Taluk
Kancheepuram District.
5. The Block Development Officer
Kundrathur, at Padappai
Kancheepuram District – 602 301.



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6. The President
Malayambakkam Panchayat
Malayambakkam, Kundrathur Taluk
Kancheepuram District – 600 123.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records relating to the impugned order in Na.Ka.No.803/2022/A12 dated 31.12.2022 passed by the third respondent herein and quash the same insofar as landed property mentioned at Survey No.199, Malayambakkam Village, Kundrathur Taluk, Kancheepuram District to the extent of 0.20.6 Hectares (50.91 cents alone as being arbitrary, unconstitutional and consequently direct the first and second respondents to conduct enquiry upon the petitioner's representation dated 20.06.2023 and take appropriate decision to shift sanitary complex from Survey No.199 to the landed property at Old S.No.324/2 New S.No.1295/4 and 1295/5, Malayambakkam Village, Kundrathur Taluk, Kancheepuram District.

For the Petitioner : Mr.T.Sundravardanam

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



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ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.R.Sundaravadanam, learned counsel for the petitioner and Mrs.R.Anitha, learned Special Government Pleader for the respondents.

2. Learned counsel for the petitioner submits that the order dated 31.12.2022 passed by the third respondent to shift the sanitary complex to S.No.199 from S.Nos.1295/4 and 1295/5 is arbitrary, illegal and not reasonable as S.No.199 is situated far away from the residential habitation of the villagers. The sanitary facility should be near to the residential habitat.

3. Learned counsel for the petitioner submits that S.Nos.1295/4 and 1295/5 are Government lands. There will be no difficulty for the respondents to construct a sanitary complex in the lands in the said survey numbers and the same would be facilitating the villagers, but it will be difficult to use the sanitary complex at a far away distance from the residential habitat, more particularly in the night time. The sanitary complex constructed at far away place would be of no use to the



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4. The Block Development Officer has stated in his communication that the distance between S.No.199 and the residential habitat is 80 meters and from the field is 62 meters.

5. No doubt, the land in S.Nos.1295/4 and 1295/5 is situated nearer to the villagers. However, which is the suitable place to construct sanitary complex is under the discretion of the Planning Authority. This Court cannot act as a Planning Authority and direct the construction of a sanitary complex at a particular survey number.

6. It is stated that patta has been issued in respect of S.Nos.1295/4 and 1295/5. According to the petitioner, today also the revenue records show the said lands as Government lands.

7. We may not enter into the said debate. The sanitary complex is sought to be constructed in S.No.199 and it is further stated that administrative sanction is also granted by the District Collector for the



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construction of sanitary complex in S.No.199. It is further stated that there will be street lights and the safety of the villagers would be taken care of.

8. In the light of the same, we dispose of the present writ petition. In case the petitioner is aggrieved by grant of patta or otherwise, the petitioner may take steps in accordance with law.

9. There will be no order as to costs. Consequently, W.M.P.Nos.18967, 18968 & 18970 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

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