



W.P.(MD)No.680 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

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Kalanthar Ashik Ahamed

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Ramanathapuram District.

2.The District Central Librarian Officer,
Office of the Collectorate,
Ramanathapuram District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove the damaged government library building located at Sathiram Street, Thondi Town Panchayat and constructed a new Government library in the said place of Sathiram Street,



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Thondi Town Panchayat, Thiruvadanai Taluk, Ramanathapuram District by considering the petitioner's representation dated 23.12.2022, within the period as stipulated by this Court.

For Petitioner : Mr.S.Atham Ali

For Respondents : Mr.P.Thilak Kumar,
Government Pleader

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the respondents to remove the damaged Government library building located at Sathiram Street, Thondi Town Panchayat and constructed a new Government library in the said place of Sathiram Street, Thondi Town Panchayat, Thiruvadanai Taluk, Ramanathapuram District by considering the petitioner's representation dated 23.12.2022, within the period as stipulated by this Court.



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2. The petitioner states that in the petitioner's village, as per the Government Order, a library was constructed in the year 1988 and the said library has been used by the students and the public in the nearby locality. He further states that the said library was functioned actively till 01.04.2008, after that the library building was fully damaged. The said library is transferred to Government Boys Higher Secondary School, Thondi and till date, the said library is functioning in the said school and the said school is far away from Thondi Village. The public and other elder persons were unable to use the said library because of the distance. Hence, the petitioner made a representation on 23.12.2022 to the respondents seeking to remove the damaged Government library and construct a new Government library in the place of Sathiram Street, Thondi Town Panchayat, Thiruvadanai Taluk, Ramanathapuram District. Since the same was not considered, the petitioner has filed this Writ Petition.

3. The learned Government Pleader appearing for the respondent has produced a communication of the Executive Engineer, Public Works Department, Ramanathapuram, in which it is stated that necessary action has



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been taken to brought the property for auction and since no bidder was participated on 20.02.2023, again re-auction was conducted on 27.02.2023 and one Mr.A.Velani was declared as a successful bidder and work order will be issued to the aforesaid person within a period of one week and the demolition of the building work will be carried out within a period of three weeks. It is further stated that necessary proposal has been sent to the Government for sanctioning of construction of a new library building in the aforesaid place. The plan and estimation of the PWD department as well as the proposal for sanctioning of the fund will be forwarded to the Government within a period of four weeks.

4. In view of the above, we are of the view that the Government has collected the library cess through the property tax and therefore, it is for the responsibility of the Government to take necessary action for reconstruction of the said building or construction of the new building. The respondents were slept over the matter like Kumbakarna, without taking action for reconstruction of the said building and after the petitioner has approached this Court for seeking such remedy, the respondent has now wake-up and taken action for



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demolition of the said building. Therefore, the Director of Public Library is directed to frame necessary guidelines for reconstruction of the said library building immediately without any further delay and also seek necessary sanction for the reconstruction of the said building. Further, the Government have collected library cess and therefore, the said amount will be utilized for improvement, development and construction of the said library building in future for the benefit of the students as well as public.

5. With the above observations, this Writ Petition is disposed of. No costs.

[D.K.K., J.] [L.V.G., J.]
28.02.2023

NCC : Yes / No
Index : Yes / No
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and
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