



W.P.(MD) No.6675 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2023

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.6675 of 2021

R.Thirupathi

... Petitioner

/vs./

1.The District Collector,
Collectorate,
Velunachiar Valagam,
Dindigul.

2.The Block Development Officer,
East Panchayat,
Panchayat Union,
Gujiliamparai,
Dindigul District.

3.The Project Director,
District Panchayat Development Office,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 21.10.2020 and consequently directing the 1st



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respondent to approval for the construction of the village panchayath Union office Building in Survey No, 888/1, Vadugampadi village, Gujiliamparai Taluk, Dindigul District to the General Public of our village.

For Petitioner : Mr.T.R.Subramanian

For R1 & R2 : Mr.T.Amjadkhan
Government Advocate

For R3 : Mr.D.Ghandiraj
Special Government Pleader

ORDER

The above writ petition is filed for the issue of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 21.10.2020, directing the first respondent to approve the construction of the Village Panchayath Union office Building in S.No.888/1, at Vadugampadi village, Gujiliamparai Taluk, Dindigul District to the general public of our village.

2.It is the case of the petitioner that the property comprised in S.No.888/1 at Vadugampadi Village, Gujiliamparai Taluk, Dindigul District was allotted to his share under a registered family partition on 26.06.2014. Patta in respect of the same was allotted in the name of the petitioner in Patta No.5383 on 14.10.2020. It



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is the case of the petitioner that three items of property were allotted to him and the properties allotted to him were described in the 'C' schedule to the partition deed. The 1st item of the 'C' schedule property measured an extent of 2 acres and 2 cents and it is the case of the petitioner that he is ready to donate 10 cents out of this for constructing the Vadugampadi Panchayat Union Office. Despite his representation, the authority was not ready to consider his offer and therefore, this writ petition is filed for a Mandamus directing the respondents to consider his representation dated 21.10.2020.

3.It is the contention of the petitioner that Vadugampadi is situate in the remote area of Dindigul District and the village people were facing difficulties in approaching the District Collector for the purpose of availing the welfare measures of the Government. Therefore, there is an immediate and pressing need for a Village Panchayat Union Office. Therefore, the petitioner has come forward to offer his lands for the said purpose. This offer was made pursuant to the request made by the previous President of the Vadupampadi Panchayat Union. Since the villagers were in favour of the above offer, the second respondent had convened a meeting on 08.12.2017 of all the villagers and the details of the meeting were



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forwarded to the first respondent, the District Collector. It was conveyed to the officials that all the Government aided schemes were being offered only to the Puliampatti village and not to the Vadugampadi village on account of want of a Panchayat Union Office. The second respondent had forwarded his proceedings on 14.11.2020 to the first respondent. Pursuant to this, the third respondent had directed the second respondent to inspect and submit a report. However, no further action was taken in this regard and several representations have not yielded the desired results.

4.A counter has been filed by the second respondent contending that already the Vadugampadi Panchayat Union Office is situate in the Natham land in S.No.812A/Pa and new S.No.1474/2. This building had been constructed 75 years ago and at present is in a dilapidated condition. Therefore, it was decided at the request of the villagers to pull down the said building and put up a new building in the very same site for the purpose of the Vadugampadi Panchayat Union Office. Meanwhile, in the communication between the District Collector and the Rural Development Department instead of stating that the building had to be put up in the Vadugampadi hamlet, it has been wrongly typed as Puliampatti village. The



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error had been noticed and thereafter rectified and the permission for putting up the building at Vadugampadi Panchayat was granted. When the Panchayat Union was already existing in a particular place, the villagers have also requested for the continuance of the office in the very same place. It is also stated that the petitioner cannot insist upon the respondents accepting his land and putting up the Panchayat Union Office only in this land.

5. When the matter had come up earlier on 24.04.2023, this Court had passed the following order:-

“The petitioner has come forward to offer his land free of cost to the Government for housing a Panchayat building Union Office, which is already pup up in Puliampatti Village. His offer to give the land is still available. Therefore, the learned Special Government Pleader is directed to find out as to whether or not there is any school building in the village and if there is one, till what standard the school is functioning. This shall not be an impediment for the Government Officials to comply with the earlier order of the Division Bench of this Court dated 16.01.2018 in W.P.(MD) No.8034 of 2018.

2. Post the matter on 07.06.2023.”



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6.This order was passed since it had been represented by the respondents that the Vadugampadi Panchayat Union Office cannot be situate in the land that has been offered by the petitioner since already it has been decided to demolish and put up a new structure in the already existing place. Thereafter, the matter was adjourned to 07.06.2023 and on 07.06.2023, the learned counsel for the petitioner had submitted that his client was willing to offer his land but the same had to be put only for the public use, which the learned Government Advocate on instructions had agreed to and in fact had informed the Court that they would construct the building for the animal husbandry department. The learned counsels were thereafter asked to file their affidavit by 16.06.2023. However, when the matter had come up today, the petitioner has gone back on his offer. Therefore, the writ petition is being considered on merits.

7.The petitioner has not been able to show his legal right to demand that the land that he proposes to offer should be put to a particular use. It is for the respondent officials to decide where the offices have to be situated. No fundamental right of the petitioner has been infringed by this refusal on the part of the respondents to accept the gift of his land and to put it to a particular use,



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namely for setting up the Vadugampadi Panchayat Union Office. If the petitioner desires to do some good for the public, it is always open to him to hand over the land to the respondents with a condition that the building can only be put to public use as and when a proposal is mooted.

8. With these observations, the Writ Petition is dismissed. However, there shall be no order as to costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

16.06.2023

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To

1. The District Collector,
Collectorate,
Velunachiar Valagam,
Dindigul.

2. The Block Development Officer,
East Panchayat,
Panchayat Union,
Gujiliamparai,
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3.The Project Director,
District Panchayat Development Office,
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P.T.ASHA, J.

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