



W.P.(MD)No.24046 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.P.(MD)No.24046 of 2023

and

W.M.P.(MD)No.20195 of 2023

J.Vaithegi

: Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Regional Manager,
Tamil Nadu Civil Supply Corporation Limited,
Thanjavur Region,
Thanjavur.

3.The Block Development Officer,
Thiruvidaimarudhur,
Thanjavur District.

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to establish the Direct Purchase Centre for paddy procurement in S.F.No.472 in Mandhaiveli Puramboke situate in Vanduvancherry Village, Semmankudi Post, Kumbakonam Taluk, Thanjavur District or any other suitable place instead of establishing the Direct Purchase Centre in S.F.No.331 in Ambarikalam, Vanduvancherry Village, Semmankudi Post, Kumbakonam Taluk, Thanjavur District.

For Petitioner : Mr.R.Rajaraman

For Respondents 1 & 3 : Mr.P.Thilak Kumar

Government Pleader

For Respondent No.2 : Mr.K.R.Baduras Zaman

Standing Counsel for TNCSC

ORDER

[Order of the Court was made by M.SUNDAR, J.]

Captioned matter has been filed in this Court as a 'Public Interest Litigation' ['PIL' for brevity].

2.Factual matrix in a nut shell is that captioned matter pertains to construction of a Direct Purchase Centre for



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procurement of paddy from farmers; that the present temporary procurement centre is situate in S.F.No.232 in Semmankudi Village, Semmankudi Post, Kumbakonam Taluk, Thanjavur District; that the proposed Direct Purchase Centre for paddy procurement is in 'S.F.No.331 in Ambarikalam, Semmankudi Village, Semmankudi Post, Kumbakonam Taluk, Thanjavur District' [hereinafter 'said site' for the sake of convenience and clarity]; that according to the PIL petitioner, S.F.No.472 in Semmankudi Village, Semmankudi Post, Kumbakonam Taluk, Thanjavur District, is more suitable; that the complaint of the PIL petitioner is said site does not have proper access and there is possibility of water logging; that after sending a representation dated 15.09.2023, captioned PIL petition has been filed in this Court on 25.09.2023 in less than 10 days.

3.Mr.R.Rajaraman, learned Counsel for PIL petitioner adverting to the aforementioned factual matrix submitted that aforementioned S.F.No.472 is more suitable and it would be desirable to put up a Direct Purchase Centre for paddy procurement from farmers at this site for the reasons that have been captured supra *qua* said site.

4.Issue notice.



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5.Mr.P.Thilak Kumar, learned Government Pleader accepted notice for respondents 1 & 3 and Mr.K.R.Baduras Zaman, learned Standing Counsel for Tamil Nadu Civil Supply Corporation Limited, accepted notice for second respondent.

6.Owing to the narrow scope and the acute angle on which the captioned matter turns, with the consent of both sides main writ petition ie., main PIL was taken up and heard out.

7.The short point as would be evident from the factual matrix captured supra is the said site is not suitable for the following reasons:

- a) Lack of proper access;
- b) Possibility of water logging.

8.With regard to the aforementioned contention, learned State Counsel, on instructions, submitted that Direct Purchase Centre for procurement of paddy cannot be established in S.F. No.472 as it is a Mandaiveli poramboke and a Hon'ble Coordinate Division Bench of this Court in and by order dated 02.02.2022 in W.P.(MD)No.19286 of 2021 has held that conversion of Mandaiveli lands is not appropriate. It is submitted that the case on hand



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would warrant such a course and therefore it is not possible to establish the centre in S.F.No.472.

9.As regards the access, PIL petitioner has specifically averred in paragraph No.7 of the affidavit that the access for the said site should be vide two parcels of land comprised in S.F.Nos. 330/1 and 332/8. Learned Counsel for PIL petitioner also drew our attention to the FMB sketch. In response to this submission, learned State Counsel placed before us a gift deed [கொடை வழி ஆவணம்] dated 27.09.2023, wherein the private land owner of S.No. 332/8 has gifted that parcel of land for the purpose of establishing the said centre at S.F.No.331. Learned PIL petitioner submitted that such a course may have to be adopted for S.F.No.330/1 also. However, learned State Counsel submitted that there is access and work order has already been issued for commencement of work in said site ie., at S.F.No.331.

10.From the narrative and discussion thus far, we do not find any reason to interfere or entertain the captioned PIL petition. Learned State Counsel also pointed out that the locus of the PIL petitioner is suspect as PIL petitioner was a former Local Body Electee and she has an axe to grind but we refrain ourselves from going into the locus part of the matter as PIL can be decided



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without going into that aspect of the matter.

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11.In the light of the facts and circumstances of the case and the narrative supra, we find that establishment of such centres and choosing a place where such a centre should be established may not be the remit of the PIL petitioner. To be noted, we make it clear that this observation is in the facts and circumstances of the case on hand and therefore, this would not become a proposition across the Board for PIL petitioner.

12.Be that as it may, we take into account the statement of State Counsel that adequate pre-work order survey while selecting the site has been made, there is sufficient access and that water logging possibility has also been taken into account in this pre-work order survey and site has been found to be suitable.

13.The sum sequitur of the narrative thus far is captioned PIL petition is disposed of as closed, taking on record the stated position of the respondents and making it clear the matter does not warrant any interference by this Court in a Public Interest Litigation jurisdiction.



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15.Accordingly, the captioned Writ Petition [PIL] stands disposed of as closed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[M.S.,J.] & [R.S.V.,J.]

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Index : Yes/No

Internet : Yes/No

MR

To

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M.SUNDAR, J.

and

R.SAKTHIVEL, J.

MR

ORDER MADE IN

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