



WEB COPY



W.P.No.20863 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.No.20863 of 2024

M.PALANISAMY

Vs

.. Petitioner

1. THE DIRECTOR OF TOWN PANCHAYAT
7TH AND 8TH FLOOR,
URBAN ADMINISTRATIVE OFFICE CAMPUS,
CHENNAI - 600 028.

2. THE DISTRICT COLLECTOR
ERODE DISTRICT, ERODE.

3. THE ASSISTANT DIRECTOR OF PANCHAYAT
COLLECTORATE, ERODE.

4. THE CHIARMAN
ARACHALUR TOWN PANCHAYAT,
ARACHALUR, ERODE DISTRICT.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to construct new office town panchayat building at some other suitable place in the Arachalur Town without disturbing the existing underground water tank as well as overhead tank which was constructed in R.S.No.160/4, Arachalur A-Village, Erode District.



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For the Petitioner : Mr.C.Prakasam

For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader

ORDER

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

Heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.A.Edwin Prabakar, learned State Government Pleader for the respondents.

2. This writ petition has been filed by the petitioner for issuance of a writ of mandamus directing the respondents to construct new town panchayat office building in some other suitable place in Arachalur Town without disturbing the existing underground water tank as well as the overhead tank which was constructed in R.S.No.160/4, Arachur A Village, Erode District.

3. Learned counsel for the petitioner submitted that though



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the existing town panchayat building is in good condition, the fourth respondent, for the reasons best known, has passed a resolution to demolish the existing building and construct a new office building for the town panchayat by spending the public funds. Further, without getting the stability certificate, respondents 3 and 4 have decided to demolish the existing building. In this regard, the petitioner has made objection/representation to the respondent authorities not to demolish the existing town panchayat building. As the said representation did not evoke any response, the petitioner has filed the present writ petition.

4. Learned State Government Pleader appearing for the respondents submitted that since the office building for the town panchayat is 54 years old and is in a dilapidated condition, the council decided to demolish the building and construct a new office building for the town panchayat in the same place. While so, now the petitioner is trying to obstruct the implementation of the government scheme in this regard and the allegations made in the affidavit filed in support of the writ petition are untrue.



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5. Though the petitioner averred in the writ petition that the building in question is stable, during the course of arguments learned counsel for the petitioner admits that the building is very old. Further, the petitioner cannot dictate the authorities to construct the panchayat office in a particular land as per his wish. It is for the authorities to decide where and when to construct a government building.

6. Since demolition work has started for construction of a new office building for the town panchayat in the same place, as per the statement of learned State Government Pleader, we are not inclined to entertain the present writ petition. However, if the petitioner is still aggrieved, he may make a representation to the first respondent, namely the Director of Town Panchayat, within a period of two weeks. If any such representation is filed by the petitioner, the same shall be considered by the first respondent within a period of eight weeks thereafter, after providing opportunity to all the parties.



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7. With the above observation, the writ petition is disposed of.

There shall be no order as to costs. Consequently, W.M.P.No.22813 of 2024 is closed.

(D.K.K., ACJ.) (K.B., J.)
25.07.2024

Index : No
NC : No
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To:

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