



W.P.(MD) No.5317 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR**

**AND**

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.5317 of 2024

Vairamuthu

... Petitioner

-Vs-

1.The State of Tamil Nadu,  
Represented by the Principal Secretary of Government,  
Municipal Administration and Water Supply Department,  
Fort St.Chennai.

2.The District Collector,  
Sivagangai District.

3.The Block Development Officer,  
Sakkottai Panchayat Union,  
Sivagangai District.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent no to join Illuppaikudi Village Panchayat within the proposed Karaikudi Corporation by considering the petitioner's representation/objection dated 26.12.2023 in consonance with the resolution passed by the Illippaikudi Village Panchayat dated 21.11.2023.



W.P.(MD) No.5317 of 2024

For Petitioner : Mr.R.Balakrishnan  
For R1 & R2 : Mr.P.Thilakkumar  
Government Pleader

### **ORDER**

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

Mr.P.Thilakkumar, learned Government Pleader takes notice for the first and second respondents. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner is the President of Illuppaikudi Village Panchayat. The Government of Tamil Nadu decided to upgrade Karaikudi Municipality as Corporation and the Commissioner of Karaikudi Municipality issued a communication directing the Village Secretary to send the files for upgrading the Illuppaikudi Panchayat as Karaikudi Corporation. The petitioner submitted his objection for such upgradation on 21.12.2023 along with the resolution passed in the meeting convened with the ward members. Till date, the said representation was not considered. Hence, the petitioner has filed the present writ petition.



W.P.(MD) No.5317 of 2024

WEB COPY

3.The petitioner challenges the administrative decision taken by the Government. It is a settled principle of law that matters relating to framing and implementation of policy primarily fall in the domain of the Government. It is an established requirement of good governance that the Government should frame policies which are fair and beneficial to the public at large. It is for the Government to adopt any particular policy as it may deem fit and proper and the law gives it liberty and freedom in framing the same. Normally, the courts would decline to exercise the power of judicial review in relation to such matters. But this general rule is not free from exceptions. The courts have repeatedly taken the view that they would not refuse to adjudicate upon policy matters if the policy decisions are arbitrary or *mala fide*.

4.For the reasons stated above, this Court is not inclined to entertain this writ petition. Accordingly, this writ petition is dismissed.

5.At this juncture, the learned counsel for the petitioner submits that the representation submitted by the petitioner dated 26.12.2023 shall be directed to be considered.



W.P.(MD) No.5317 of 2024

WEB COPY

6.Considering the above submission, this Court directs the first respondent to consider the representation of the petitioner dated 26.12.2023 and pass appropriate orders on the same, on its own merits and in accordance with law. No costs.

**[D.K.K., J.] & [R.V., J.]**  
**06.03.2024**

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

ta

To

- 1.The State of Tamil Nadu,  
Represented by the Principal Secretary of Government,  
Municipal Administration and Water Supply Department,  
Fort St.Chennai.
- 2.The District Collector,  
Sivagangai District.
- 3.The Block Development Officer,  
Sakkottai Panchayat Union,  
Sivagangai District.



WEB COPY



W.P.(MD) No.5317 of 2024

**D.KRISHNAKUMAR, J.**

**AND**

**R.VIJAYAKUMAR, J.**

ta

W.P.(MD)No.5317 of 2024

06.03.2024