



W.P(MD)No.14025 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2024

CORAM :

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

W.P(MD)No.14025 of 2024

S.P.Muthuramalingam

... Petitioner

vs.

1. The District Collector,
Collectorate,
Korampallam,
Thoothukudi District,
Thoothukudi.

2. The Assistant Director (Panchayats),
Department of Rural Development,
Collectorate,
Thoothukudi.

3. The Block Development Officer,
O/o. The Block Development Officer,
Udangudi,
Thoothukudi.

4. The President,
Semmarikulam Panchayat,
Semmarikulam Post,
Meignanapuram,
Tiruchendur Taluk.

... Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 4 to consider the petitioner's representation dated 07.11.2023 and subsequently direct them to complete the construction of the new Anganwadi Building at the earliest in the Thoothukudi District, Udangudi Panchayat Union, Semmarikulam Panchayat, 1st ward Valliammalpuram for the use of children.

For Petitioner : Mr.V.Rajiv Rufus
For Respondents : Mr.P.Thilakkumar, Government Pleader

ORDER

(Order of the Court was made by **R.SURESH KUMAR, J.**)

The prayer sought for in this writ petition is for a Mandamus, to direct the respondents 1 to 4 to consider the petitioner's representation dated 07.11.2023 and consequently direct them to complete the construction of the new Anganwadi Building at the earliest in the Thoothukudi District, Udangudi Panchayat Union, Semmarikulam Panchayat, 1st ward Valliammalpuram for the use of children.

2. In order to construct an Anganwadi Building at Semmarikulam Village, Udangudi Panchayat Union, Tuticorin District, the



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petitioner had given a representation on 07.11.2023 and in order to consider the same and to pass orders thereon, he has approached this Court by filing the present writ petition.

3. When the case is taken up for hearing, Mr.P.Thilakkumar, learned Government Pleader appearing for the respondents, has submitted by relying upon the written communication that, on 21.01.2016, the Block Development Officer, that is, the 3rd respondent had recommended to the district administration to cancel the sanction administratively and financially given to construct the Anganwadi Building at Semmarikulam Village, Udangudi Panchayat Union, Tuticorin District. The reason for seeking cancelling the same is that, behind the spot that was selected for construction of Anganwadi, there had been a Well called, Vattakinaru. Therefore, abutting the Well, if any construction is made, the stability may not be feasible. Therefore, the Block Development Officer wanted to cancel it.

4. Accepting the request of the Block Development Officer, the District Collector, 1st respondent, having cancelled the proposal to construct Anganwadi at Semmarikulam Village, has transferred the said



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project to another village called, Amuthunnakudi and a proceedings had been issued on 08.02.2016 pursuant to which, Anganwadi was constructed at Amuthunnakudi and it is functioning. Therefore, the present representation dated 07.11.2023 given by the petitioner to make an attempt to seek for permission to construct Anganwadi in the very same place may not be feasible, he contended.

5. He would also submit that, if there is any alternative place available in the very same village namely, Semmarikulam, it can be pointed out, based on which, if any representation comes from the village people of Semmarikulam, that would be taken care of on merits and in accordance with law.

6. In view of the said submission made by the learned Government Pleader, for which, learned counsel for the petitioner also has agreed, this Court is inclined to dispose of this writ petition with the following order:

That, it is open to the petitioner or any other village people of Semmarikulam to find out an alternative place either from the Government land or from any third parties' land, if the third party or owner of the



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property comes forward to donate the land for the purpose of construction of Anganwadi in the village at Semmarikulam, based on which, a fresh representation can be given either by the petitioner or any villager of Semmarikulam Village to the respondents, especially, the District Collector, 1st respondent herein, and if any such representation comes from the village people or the petitioner, after finding out any alternative place in Semmarikulam Village, the 1st respondent / District Collector shall consider the same and decide as to whether feasibly the Anganwadi building can be constructed in Semmarikulam Village and accordingly, action can be taken on merits and in accordance with law.

7. With these directions, the Writ Petition is disposed of. No costs.

(R.S.K., J.)

(G.A.M., J.)

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Index : Yes / No
Neutral Citation : Yes / No
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