



ABSTRACT

Rural Development and Panchayat Raj Department – Retaining of 12 Village Panchayats in Kuruvikulam Panchayat Union of Tirunelveli District – Orders – Issued.

Rural Development and Panchayat Raj (PR.II) Department

G.O. (Ms) No.98

Dated: 01.09.2017

Read:

1. G.O (Ms) No.213, Revenue. (RA1) Department, dated 15.04.2008.
2. Orders of the Madurai Bench of Madras High Court, dated 16.08.2017 in W.P (MD).No.4044 of 2017 filed by Thiru.A.Sankaralingam.
3. From the Director of Rural Development and Panchayat Raj letter Roc.No.25190/2016/ PRI 1.3, dated 01.09.2017.

ORDER:

In the Government Order first read above, the Government have issued orders transferring the following 12 Revenue Villages from Sankaran Kovil Taluk of Tirunelveli District to Kovilpatti Taluk of Thoothukudi District.

1. Pitchaithalaivanpatti
2. Appaneri
3. Vadakkupatti
4. Nakkalamuthampatti
5. Pillaiyarnatham
6. Ayyaneri
7. Jameen Devar Kulam
8. Chithirampatti
9. Puliyankulam
10. Ilaiyaranendhal
11. Lakshmiammalpuram
12. Mukkuttumalai

2. The Director of Rural Development and Panchayat Raj has stated that one Thiru.A.Sankaralingam has approached the Hon'ble Madurai Bench of Madras High Court by filing W.P. (MD) No.4044 of 2017 praying for transfer of 12 Village Panchayats of Kuruvikulam Panchayat Union of Tirunelveli District to Kovilpatti Panchayat Union of Thoothukudi District, pursuant to the orders issued by the Government in G.O.Ms. No.213, Revenue Department, dated: 15.4.2008. The Hon'ble High Court have issued orders directing the Additional Chief Secretary to Government, Rural Development and Panchayat Raj Department to take a decision and communicate on the transfer of 12 Village Panchayats to Thoothukudi District on or before 10.8.2017 failing which the Additional Chief Secretary to Government, Rural Development and Panchayat Raj Department., should appear before the court on 16.8.2017.

The Hon'ble High Court of Madras, Madurai Bench in its order in the same W.P.(MD) 4044 No. of 2017 on 16.08.2017 observed that

the Government originally passed an order in G.O.Ms.No.213, Revenue (Va.Nee 1) Department, dated 15.04.2008 transferring the 12 Revenue Villages from Tirunelveli District to Kovilpatti Union, Tuticorin District. It appears that thereafter, a Taluk by name Thiruvengadam was formed by carving out some areas from Tirunelveli and Tuticorin Districts and the question then arise for consideration is as to whether 12 panchayats, part of the composite Tirunelveli District should be transferred to Kovilpatti or it should be retained in the Tirunelveli District by including in the newly formed Thiruvengadam Taluk. The Court has also observed that it is essentially a matter to be decided by the Government. The Hon'ble Madurai Bench of the Madras High Court also directed the Government of Tamil Nadu to take a decision in the matter and file response by 05 September 2017.

3. In this regard, the Director of Rural Development and Panchayat Raj has furnished the following for consideration:-

- i) The Government in G.O.(Ms)No.213. Revenue (Va.Nee 1) Department, dated 15.04.2008 has issued orders transferring 12 Revenue Villages in Ilayarasanendhal Firka of Sankarankovil Taluk and Kuruvikulam Block of Tirunelveli District and amalgamating the said Revenue Villages with Kovilpatti Taluk of Thoothukudi District. Consequent on the above orders, the Collector, Tirunelveli in his letter dated 02.02.2009 has come up with the proposal for transfer of the following 12 Village Panchayats corresponding to those 12 Revenue Villages to Kovilpatti Panchayat Union.

Sl. No.	Revenue Village	Corresponding Village Panchayats
1	Pitchaithalaivanpatti	Pitchaithalaivanpatti
2	Appaneri	Appaneri

3	Vadakkupatti	Vadakkupatti
4	Nakkalamuthampatti	Nakkalamuthampatti
5	Pillaiyarnatham	Pillaiyarnatham
6	Ayyaneri	Ayyaneri
7	Jameen Devar Kulam	Jameen Devar Kulam
8	Chitrampatti	Chitrampatti
9	Puliyankulam	Puliyankulam
10	Ilayarasanendal	Ilayarasanendal Venkatachalapuram
11	Lakshmiammalpuram	Ilayarasanendhal
12	Mukkuttumalai	Mukkuttumalai

- ii) Out of 12 Revenue Villages, 11 Panchayat Villages are co-terminus with the same Revenue Villages. Mukkuttumalai Panchayat Village consists of two Revenue Villages namely Mukkuttumalai and Naduvapatti. Out of these, Mukkuttumalai Revenue Village has been transferred to Kovilpatti Taluk of Thoothukudi District and Naduvapatti Revenue Village remains in Tirunelveli District.
- iii) Totally, 9 Village Panchayats have passed resolutions opposing the transfer of those Panchayats to Kovilpatti Block of Thoothukudi District.
- iv) All the 12 Village Panchayat Presidents have also submitted the representation to Government not to transfer these 12 Panchayat Villages from Kuruvikulam Panchayat Development Block of Tirunelveli District to Kovilpatti Panchayat Development Block of Thoothukudi District citing the administrative reasons.

In this context, the Collector, Tirunelveli was requested to offer his opinion in respect of the issue of transferring Naduvapatti revenue village to Thoothukudi District, so that the entire Mukkuttumalai Panchayat Village can be transferred to Kovilpatti Taluk of Thoothukudi District. In turn, Tirunelveli District Collector sent his report stating that Naduvapatti revenue village may be retained with Tirunelveli District based on public interest.

In this connection, it is submitted that as per sub-section (4) of Section 15 of the Tamil Nadu Panchayats Act, 1994

the Government may by notification

- (i) exclude from a panchayat development block any area or village comprised therein, or
- (ii) Include in a panchayat development block any area contiguous to it

As per sub-section (5) of Section 15 of the said Act,

Before issuing a notification under sub-section (4), the Government shall consult the District Panchayat concerned and give the Panchayat Union Council or Panchayat Union Councils and Village Panchayat or Village Panchayats which will be affected by the issue of such notification, a reasonable opportunity for showing cause against the proposal and shall consider their explanations, and objections, if any.

4. The Director of Rural Development and Panchayat Raj has also stated that in Tamil Nadu, elections have not been held to the local bodies since October 2016 due to the pendency of various litigations before the Hon'ble Supreme Court and the Hon'ble High Court of Madras. Consequent to this there are no elected local bodies in the state at present. Hence, the mandatory conditions that the local bodies concerned should be consulted and a reasonable opportunity for showing cause against the proposal cannot be complied with in this case till the new elected bodies are in position.

The Government has constituted the Delimitation Commission, with the terms of reference that the wards of three tier Panchayats should be delimited based on the population of 2011 census. The entire exercise of Delimitation has to be undertaken in respect of all Village Panchayats, Panchayat Unions and District Panchayats and process of delimitation has started. If we transfer those 12 Panchayats from Kuruvikulam Block of Tirunelveli District to Kovilpatti Block of Thoothukudi District at this stage, it will lead to confusion in the delimitation process and the conduct of elections. Further, the Government is preparing for the conduct of Panchayat Elections also.

Since majority of the Village panchayats have resolved against the transfer of their panchayat villages to Kovilpatti Panchayat Development Block of Thoothukudi District and the mandatory condition of consulting the local bodies concerned before taking a decision on inclusion or exclusion of villages to or from any Panchayat Development Block by the Government is not feasible now in the absence of elected local bodies, the Director of Rural Development and Panchayat Raj has requested the Government to issue necessary orders reiterating the status quo and retain the 12 Panchayat Villages in Kuruvikulam Panchayat Development Block of Tirunelveli District.

5. The Government have examined the proposal of the Director of Rural Development and Panchayat Raj above and decided to accept it. Accordingly, the Government order status quo and the following 12 Panchayat Villages be retained in Kuruvikulam Panchayat Development Block of Tirunelveli District.

1. Pitchaithalaivanpatti
2. Appaneri
3. Vadakkupatti
4. Nakkalamuthampatti

5. Pillaiyarnatham
6. Ayyaneri
7. Jameen Devar Kulam
8. Chithirampatti
9. Puliyanakulam
10. Ilaiyarsanendhal
11. Venkatachalapuram
12. Mukkuttumalai

(By Order of the Governor)

HANS RAJ VERMA,
Additional Chief Secretary to Government

To
The Director of Rural Development and Panchayat Raj,
Chennai-15.
The District Collector,
Thoothukudi / Tirunelveli ✓

Copy to:
The Law Department,
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SF/SCs.

//Forwarded By Order//

B. Bonineela
Section Officer