

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P.No.11641 of 2015
and
M.P.Nos.1 and 2 of 2015

V.Muthukumaran ... Petitioner

-vs-

1. The Secretary,
Government of Tamilnadu,
Financial Department,
Chennai.
2. The Secretary,
Government of Tamilnadu,
Rural Development, Panchayatraj Department,
Chennai.
3. The District Collector,
Ariyalur,
Ariyalur District. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to consider the petitioner representation dated 14.03.2015 and consequently direct the 3rd respondent to hold the funds of Ariyalur constituency member.

For Petitioner : Mr.S.Gunalan

For Respondents : Mr.STS.Moorthy
Government Pleader

* * * * *

ORDER

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

Petitioner seeks to assail sanction of Rs.2.00 lakhs from the Assembly Constituency Development Funds of the local Member of

Legislative Assembly, whereby the road has to be laid on the northern bank of Nanthiyar Canal. It is the case of the petitioner that southern bank is in dire need of proper road, while more money is being spent on the northern side only to benefit one private party. It is, in this context, his submission is that as per Annexure-I in G.O.Ms.No.165, dated 30.12.2014 of Rural Development and Panchayat Raj (SGS1) Department, paragraph 3 contains negative list/prohibited works, in which, paragraph 3.2 deals with assets for individual/family benefits with exception of construction of new houses in Town Panchayats as per Indira Awaas Yojana norms. He, thus, submits that construction of the road is prohibited, as it is for the benefit of one person alone.

2. We are unable to entertain this writ petition as Public Interest Litigation for the reason that the expenditure is part of the Assembly Constituency Development Funds. Whether the road should be made on the northern side or southern side of the Canal is a matter of discretion and having elected the local Member of Legislative Assembly, it is for the residents of that area to persuade him as to which area the money is more urgently required. There is nothing on record to show that the road to be constructed on the northern side would benefit only the individual person.

3. The petitioner, is thus, free to pursue his representation with the local Member of Legislative Assembly, rather than through the mode of Public Interest Litigation before us.

4. The writ petition, accordingly, stands closed. No costs. Consequently, M.P.Nos.1 and 2 of 2015 are closed.

bbr

s/d-
Assistant Registrar(LA)

True Copy

Sub-Assistant Registrar

To

1. The Secretary,
Government of Tamilnadu,
Financial Department,
Chennai.
2. The Secretary,
Government of Tamilnadu,
Rural Development, Panchayatraj Department,
Chennai.

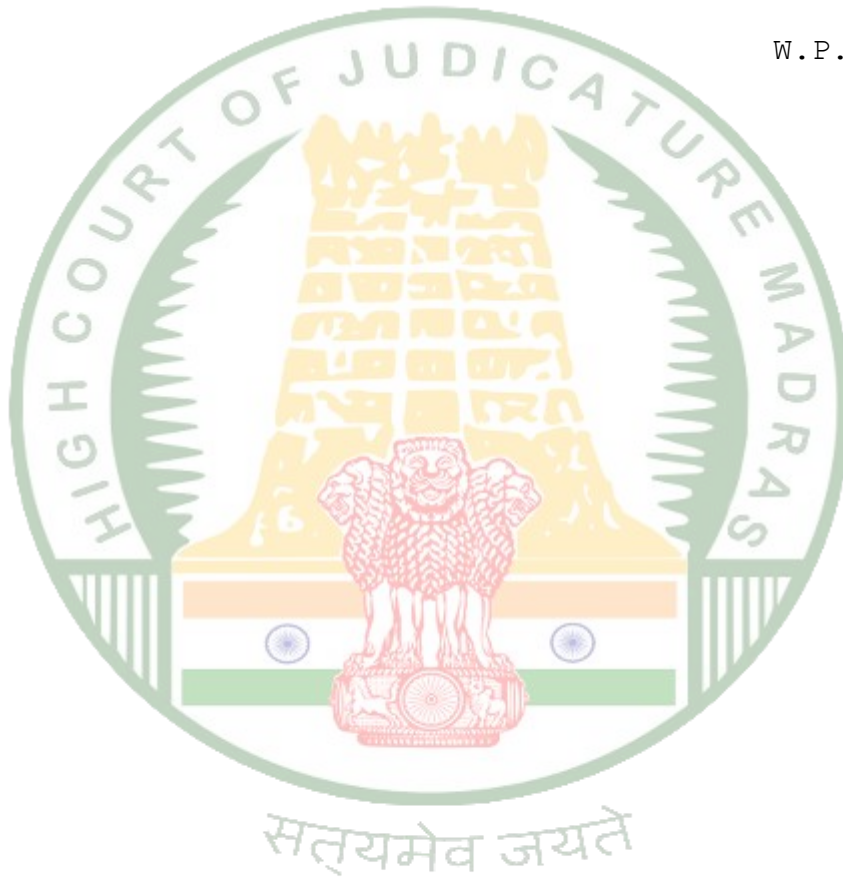
3. The District Collector,
Ariyalur,
Ariyalur District.

+ 1 cc to the Government Pleader, SR 21674

+ 1 cc to M/s.S.Gunalan, Advocate SR 21638

ug(co)
prk14/5

W.P.No.11641 of 2015



WEB COPY