

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.1940 of 2015

Elanchiyam

... Petitioner

vs.

- 1.The Collector,
Cuddalore District,
Cuddalore.
 - 2.The Asst.Director of Panchayat,
District Rural Development,
Beach Road, Cuddalore,
Cuddalore District.
 - 3.The Asst.Director of Veterinary,
Cuddalore District,
Cuddalore.
 - 4.The Block Development Officer,
Panruti Panchayat Union,
Panruti Cuddalore District.
 - 5.The President,
Melkangeyankuppam Village Panchayat,
Panruti Taluk,
Cuddalore District 607 805.
- Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing respondents to consider the petitioner's representation dated 08.01.2015 and select the petitioner as one of the beneficiary of Priceless Cow Distribution by Melekangeyankuppam Village Panchayat, Panruti Taluk, Cuddalore District under the deserved beneficiaries quota.

For Petitioner : Mr.Dalit Tiger C.Ponnusamy
For Respondents 1 to 3 : Mr.S.Gunasekaran
Government Advocate
For Respondents 4 & 5 : Mr.Erapremnath

ORDER

Heard Mr.Dalit Tiger C.Ponnusamy, learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate appearing for the respondents 1 to 3 and Mr.Erapremnath, learned counsel appearing for the respondents 4 and 5, consider the materials placed on records.

2. The petitioner has filed this Writ Petition praying to issue a Writ of Mandamus to direct the 1st respondent to consider the petitioner's representation dated 08.01.2015 and select the petitioner as one of the beneficiary of Priceless Cow Distribution by Melekangeyankuppam Village Panchayat, Panruti Taluk, Cuddalore District under the deserved beneficiaries quota.

3. According to the petitioner, though he is entitled to the benefit of the said scheme announced and implemented by the State Government, the 5th respondent, The Panchayat President has allotted the cows to the schedule caste people and allotted the same to undeserved and ineligible persons. The petitioner has stated that the President of Panchayat has received huge amount as bribe from various persons, who have been allotted with the cows but are not eligible for the benefit as per the scheme.

4. The learned counsel for the petitioner elaborately discussed about the scheme and the scope and manner in which the scheme has been implemented by the Government.

5. It is submitted by the learned counsel for the petitioner that in terms of the scheme 50 beneficiaries have been identified in the 5th respondent Panchayat, out of which 29 cows have been allotted to the Panchayat President's close relatives as his coparceners and in the allotment to the Schedule Caste people underserved beneficiaries are selected. It is further submitted that only those persons who gave bribe of Rs.7,000/- to the Panchayat President were selected as beneficiaries. Further it is submitted that certain conditions were laid down under the scheme, disqualifying the applicants from receiving the benefit under the scheme, such as, they should not own land more than 1 acre in their own name or family members' name or they should not be employed in the Government etc and should be a permanent resident of the Village Panchayat.

6. The learned counsel for the petitioner would further submit that one Shanthi w/o.Manikandan does not belong to schedule caste community and another person, 16th in the list of beneficiary Malarkodi w/o.Malekangayankupam, is in possession of 10 acres of land and hence those persons are not entitled to the benefit of the priceless cows scheme. The petitioner submits that the list of beneficiary was not furnished and after much difficulty the information was secured under Right to Information Act from the Public Information Officer of the Animal Husbandry Department dated 25.02.2015.

7. The learned counsel for the 5th respondent submitted that in terms of Scheme announced by the Government of Tamil Nadu, cows are allotted only based upon the certificate issued by the Village Administrative Officer and there is no error in the selection

process. Further it is submitted that the selection was done by a committee and the allegations made by the petitioner are without any basis and false.

8. Further it is submitted that the respondent received 100 applications and forwarded them to the Selection Committee Director and the Committee Members viz., 1) President 2) The Vice President 3) Senior Adi Dravida Member 4) Member of Self Employed Women 5) PLF Organiser 6) President Self employed women scheme 7) Deputy Block Development Officer and Veterinary doctor, who have examined the applications and selected the 55 candidates as eligible and disbursed the cows to eligible persons.

9. The learned counsel for the petitioner referred to reply affidavit filed by the petitioner stating that in Annakarankuppam Village there are no schedule caste people living in the village and contention that 3 cows have been given to the schedule caste beneficiaries is false. Further the schedule caste certificate was not attached to the list of beneficiaries and therefore, mal-practice has been committed. Further the beneficiaries shown as schedule caste and tribes do not belong to schedule caste tribes and one Shanthi W/o.Manikandan is not entitled to benefit the scheme and further Malarkodi w/o.Paramasivan is in possession of more than 10 acres of land and has got tractor purchased by availing agricultural loan, from the Land Development Bank, Cuddalore by pledging the 10 acres of land.

10. Further, It is submitted that Jeyakodi w/o.Velmurugan is in possession of 24 acres land worth about Rupees 7 crores and she cannot be benefited beneficiary under the Scheme. Further, Tamilselvi w/o.Renganathan is village panchayat tank operator and is getting Government salary and one Viruthambal who is another beneficiary, her husband is a librarian, who is also getting a government salary. Further it is stated that Sarkunam w/o.Thangarasu, is a panchayat board ward member and she cannot be a beneficiary and the cow given to the said Sarkunam, died due mal nutrition. Similarly 16th, 19th and 50th beneficiaries cows also died because of the low cost and diseased cow distributed to the beneficiaries.

11. In the light of the contentions raised by the petitioner and disputed to the respondents, this Court is inclined to direct the District Collector look into the matter to ensure that the scheme formulated by the Government is properly implemented.

12. In the light of the above, direction is issued to the first respondent to consider the petitioner's representation by directing the petitioner to appear in person along with the records and after issuing notice to the 5th respondent as well as the beneficiaries to appear in person along with the entire records and consider the same

on merits, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

13. With the above observation, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1.The Collector,
Cuddalore District,
Cuddalore.
 - 2.The Asst.Director of Panchayat,
District Rural Development,
Beach Road, Cuddalore,
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 - 4.The Block Development Officer,
Panruti Panchayat Union,
Panruti Cuddalore District.
 - 5.The President,
Melkangeyankuppam Village Panchayat,
Panruti Taluk,
Cuddalore District 607 805.
- +1 cc to Mr.Dalit Tiger C.Ponnusamy, advocate, SR.15767
- +1 cc to Government Pleader, SR.15854.

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