

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.3631 of 2015

And

M.P.No.1 of 2015

1.T.Sangeetha

2.M.Chandran

... Petitioners

Vs.

1.The District Collector,
Namakkal District,
Namakkal.

2.The Block Development Officer (Village Panchayat),
Mallasamudram,
Namakkal District.

3.The Palamedu Panchayat,
Rep. by its President,
Palamedu,
Mallasamudram - via.
Namakkal District - 637 503.

4.A.Dhanasekar
Clerk/ Panchayat Secretary
Palamedu Panchayat, Palamedu,
Mallasamudram - via.
Namakkal District - 637 503.

... Respondents

Prayer: Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to construct the Panchayat Seva Centre under the "Mahatma Gandhi National Rural Employment Guarantee Scheme - 2013-2014" (MGNREGA) at Palamedu Kasba, Palamedu, Mallasamudram - via. Namakkal District, by considering and passing orders on the representation of the President, Palamedu Panchayat dated 3.1.2015 and the representation of the petitioners dated 27.1.2015.

For Petitioners : Mr.K.Selvaraj

For Respondents : Mr.P.Rajalakshmi for R1
Government Advocate
Mr.D.Suriya Narayanan for R2 and R3

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the first respondent and the learned counsel appearing for the respondents 2 and 3. With the consent of either side, this writ petition is taken up for final disposal at the admission stage itself.

2. First petitioner is the Vice President of the Palamedu Village Panchayat and the second petitioner is the elected ward member of the same. They seek the relief of Mandamus directing the respondents 1 to 3 to construct the Panchayat Seva Centre under the "Mahatma Gandhi National Rural Employment Guarantee Scheme - 2013-2014" (MGNREGA) at Palamedu Kasba, Palamedu, Mallasamudram - via. Namakkal District, by considering and passing orders on the representation of the President, Palamedu Panchayat dated 03.01.2015 and the representation of the petitioners dated 27.01.2015.

3. The petitioners have alleged that the fourth respondent who is the Clerk/ Panchayat Secretary of the Palamedu Panchayat without getting the consent of the Village Panchayat has unilaterally selected a place at Palamedu Pudur for construction of the Seva Centre and has forwarded the report to the second respondent for sanction of funds. According to the petitioners, this was not brought to the notice of the elected members of the Village Panchayat and therefore, a resolution was passed by the Village Panchayat on 24.11.2014. With these facts, representation is now pending before the second respondent.

4. In the light of the above, there will be a direction to the second respondent to consider the representation and ascertain full facts as to whether Panchayat was consulted before sending the above said report and after enquiry into the same, pass appropriate orders on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order. In the meantime, status-quo prevailing shall be maintained.

5. This writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

1.The District Collector,
Namakkal District,
Namakkal.

2.The Block Development Officer (Village Panchayat),
Mallasamudram,
Namakkal District.

3.The President,
Palamedu Panchayat,
Palamedu,
Mallasamudram - via.
Namakkal District - 637 503.

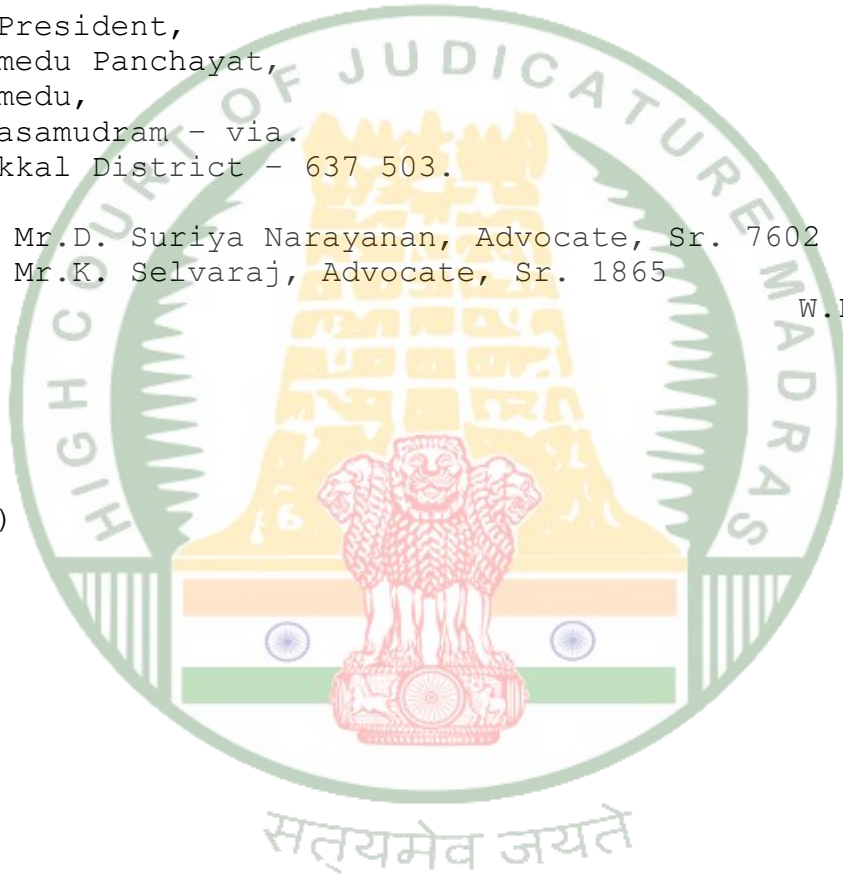
1 cc to Mr.D. Suriya Narayanan, Advocate, Sr. 7602

1 cc to Mr.K. Selvaraj, Advocate, Sr. 1865

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