



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.10050 of 2013

T.Kanagalakshmi

... Petitioner

Vs.

1. The Joint Secretary,
Union Government of India,
Ministry of Social Justice and Empowerment,
Shastri Bhawan,
New Delhi.

2. The Secretary to Government,
State of Tamil Nadu,
Adi Dravidar and Tribal Department,
Fort St., George, Chennai 9.

3. The Director / Commissioner,
Adi Dravidar and Tribal Welfare Department,
Ezhilagam, Chepauk,
Chennai 5.

4. The District Collector,
Tuticorin, Tuticorin District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration declaring that the Impugned Government Order in G.O.Ms.111 dated 11.11.2011 issued by the 3rd respondent as unconstitutional and consequently direct 2nd and 3rd respondents to recover the misused funds released by the 3rd respondent.

For Petitioner : Mr.S.Muthalraj
For Respondents 2-4 : Mr.V.R.Shanmuganathan,
Special Government Pleader.
For 1st Respondent : Mr.K.Sundaram

ORDER

(Order of the Court was made by R.SUDHAKAR,J.)

This writ petition has been filed, seeking for a declaration, declaring that G.O.Ms.111 dated 11.11.2011 issued by the third respondent as unconstitutional and consequently direct the respondents 2 and 3 to recover the misused funds released by the third respondent.



2. We find no reason as to why the said Government Order should be found at fault. From the reading of the affidavit, we find that the allegation is that some amount is likely to be misused and it cannot not be a ground to challenge the said G.O on presumption. If the amount is not properly spent, competent authority is entitled to take action against the person who misused the funds, for a purpose, other than for what it is granted. Mere apprehension of misuse of funds is not a ground to challenge the said G.O. We find no reason to entertain this writ petition in public interest, as no cause of action arises for consideration.

3. This writ petition is dismissed accordingly. No costs. Connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Writ)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
State of Tamil Nadu,
Adi Dravidar and Tribal Department,
Fort St., George,
Chennai 9.
2. The Director / Commissioner,
Adi Dravidar and Tribal Welfare Department,
Ezhilagam, Chempauk,
Chennai 5
3. The District Collector,
Tuticorin, Tuticorin District.
4. The Joint Secretary,
Union Government of India,
Ministry of Social Justice and Empowerment,
Shastri Bhawan, New Delhi.

+ 1 CC TO MR.S.MUTHALRAJ, ADVOCATE IN SR NO. 52843
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 52964

MJ

<https://hcservices.ecourts.gov.in/hcservices/> TE/AAI-MBA/ 06/10/2015 2P/7C

Writ Petition (MD) No.10050 of 2013
08.09.2015