

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 20.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.14348 of 2016 &

WMP Nos. 12542 & 12750 of 2016

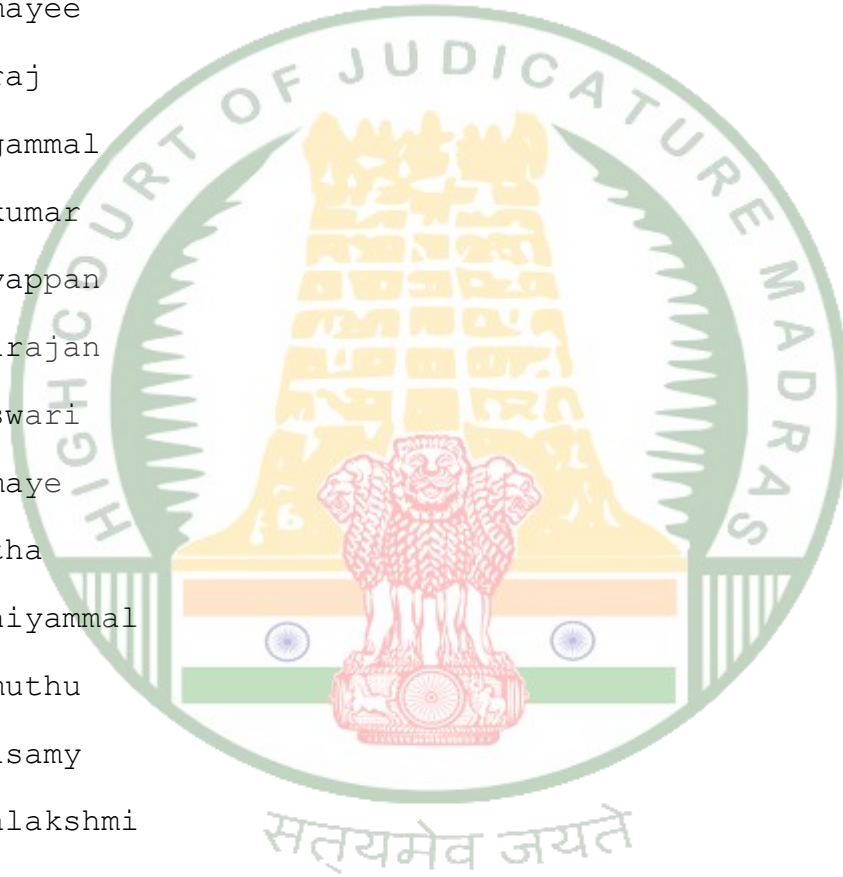
N.Shanthi

[PETITIONER]

Vs

- 1 The State of Tamilnadu
Rep. by its Secretary to Government
Housing and Urban Development Department
Fort St.George, Chennai-9.
- 2 The State of Tamilnadu
Rep. by its Secretary to Government
Municipal Administration and
Water Supply Department
Fort St. George, Chennai-9.
- 3 The Director of Town Panchayat
Kuralagam, Chennai-108.
- 4 The District Collector
Namakkal District, Namakkal.
- 5 The president
Alampalayam Panchayat
Namakkal District.
- 6 The Executive Officer
Alampalayam Panchayat
Namakkal District
- 7 P.Rasathi
- 8 D.Somasundaram
- 9 K.Perumal
- 10 C.Mahendran

- 11 N.Saravanan
- 12 M.Rajagopal
- 13 M.Muniyammal
- 14 K.Savithri
- 15 K.Sulochchana
- 16 M.Baskaran
- 17 S.Perumayee
- 18 P.Nagaraj
- 19 M.Thangammal
- 20 M.Ravikumar
- 21 S.Muniyappan
- 22 K.Mallirajan
- 23 R.RAjeswari
- 24 K.Perumaye
- 25 J.Jagatha
- 26 C.Palaniyammal
- 27 R.Marimuthu
- 28 R.Duraisamy
- 29 G.Dhanalakshmi
- 30 M.Jayalakshmi
- 31 A.Saravanan
- 32 C.Mathaiyan
- 33 K.Palaniyammal
- 34 S.Dhanasekaran
- 35 P.Thangavel



WEB COPY

36 P.Sangaiya

37 S.Suseela

38 G.Srinivasan

39 P.Devaki

40 K.Muniyan

41 S.Selvan

42 S.Marimuthu

43 S.Kokila

44 S.Rajamanickam

45 P.Arukkani

46 D.Gopal [RESPONDENTS]

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus to call for the entire records of the 6th Respondent pertaining to Na.Ka. No.200/2015 dated 26.02.2016 issued to the Respondents 7 to 46, quash the same since being arbitrary and illegal and direct the Respondents 1 to 6 to follow the procedure as stipulated in the Annexure to G.O.Ms. No.122 Housing and Urban Development [SC2 (1)] Department dated 01.10.2015

For Petitioner : Mr.S.Natanarajan

For Respondents : Mr.J.Bala Gopal - R1 to R6

सत्यमेव जयते
O R D E R

Heard Mr.S.Natanarajan, learned counsel appearing for the petitioner and Mr.J.Bala Gopal, learned Counsel appearing for the respondents 1 to 6 and with the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2.The petitioner who is a resident of Alampalayam Village has filed this Writ Petition, seeking to quash the work orders issued in favour of respondents 7 to 46, for the purpose of construction of houses under the scheme called as 'Green House Scheme', as propounded by the Government.

3.The petitioner's case is that though her name was recommended for being included as one of the beneficiaries to the Scheme, when the official list was drawn, her name has been deleted. It is the definite case of the petitioner that the list of beneficiaries which was finalised was not approved by the Panchayat Council and the list so prepared is in blatant violation of the procedure stipulated by the Government in G.O.Ms.No.122, Housing and Urban Development [SC 2(1)] Department dated 01.10.2015.

4.The petitioner would further submit that the impugned work orders do not refer to the approval of the Village Panchayat Council and the date of administrative sanction by the fourth respondent and the work orders issued by the sixth respondent are on the same date. Therefore, it is stated that the work orders have been hastily issued so as to help the kith and kin of the political functionaries or their henchmen. With these facts, the petitioner has approached this Court for quashing the order passed by the sixth respondent dated 26.02.2016.

5.The petitioner who is an individual wanted to be included in the list of beneficiaries. Therefore, her primary contention is that her name was not included though she was provisionally selected. If that be the case, the petitioner's interest should be safeguarded till her grievance is redressed. Therefore, instead of quashing the orders passed in favour of the respondents 7 to 46, there will be a direction to keep one house/allotment, reserved for the petitioner till the District Collector takes a decision on the objection to be raised by the petitioner.

6.It is seen that before filing of this Writ Petition, the petitioner has not raised any objection stating that the impugned work orders are totally against the procedure stipulated under the Government Order. Therefore, it would be appropriate for the petitioner to submit a representation to the appropriate authority setting out all her grievance, which should be considered by the said authority.

7.Accordingly, the petitioner is directed to submit a representation, along with a copy of this order, to the third respondent within a period of two weeks from the date of receipt of a copy of this order, setting out all her grievances and on receipt of the representation, the third respondent shall call for appropriate report from the District Collector, Namakkal, and pass orders on merits and in accordance with law, within a period of four weeks from the date on which the

representation is received. Till orders are passed by the third respondent, one house/allotment under the 'Green House Scheme' shall be reserved in favour of the petitioner.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

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Housing and Urban Development Department
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Namakkal District.
- 6 The Executive Officer
Alampalayam Panchayat
Namakkal District

+1 cc to Government Pleader sr.24530

+1 cc to Mr.Sri S.Natana Rajan Advocate sr.24139

W.P.No.14348 of 2016

aa28/04/2016