

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.28343 of 2016

Mrs.S.Girija,
The President,
Padur Panchayat,
Thellur Panchayat Union,
Thiruvannamalai District. ... Petitioner

Vs.

1.The State of Tamilnadu rep.
By its Secretary,
Department of Rural Development and
Panchayat Raj (CGS.1),
St. George Fort,
Secretariat,
Chennai.

2.The Collector,
Thiruvannamalai District,
Thiruvannamalai.

3. The Project Director,
District Rural Development Agencies,
Thiruvannamalai,
Thiruvannamalai District.

4.The Sub-Collector cum Revenue
Divisional Officer,
Cheyyar,
Tiruvannamalai District.

5.Block Development Officer,
Thellar,
Thiruvannamalai District.

6. The Tahsildhar,
Vandavasi,
Thiruvannamalai District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India for a Writ of Mandamus, to direct the respondents to consider the representation of the petitioner dated 27.07.2016 and to provide protection including police protection, if necessary, until completion of the construction of Village

Panchayat Service Centre (VPSC) building at Survey No.138 of the Padur Village as approved by the 5th respondent, vide its order Na.Ka.Uo.Aa1/1526/2014 dated 11.09.2015 in accordance with the guideline issued in G.O.(Ms).No.83 dated 19/07/2013 by the Department of Rural Development and Panchayat Raj (CGS:1).

For Petitioner : Mr.K.Moorthy
For Respondents: Mr.T.M.Pappiah, Spl. GP
[For R1 to R4 & R6]
Mr.R.Prathap Kumar, AGP
[For R5]

O R D E R

The writ petition has been filed for the issuance of a writ of mandamus to direct the respondents to consider the representation of the petitioner dated 27.07.2016 and to provide protection including police protection, if necessary, until completion of the construction of Village Panchayat Service Centre (hereinafter referred to as "VPSC") building at Survey No.138 of the Padur Village as approved by the 5th respondent, vide its order Na.K.Uo.Aa1/1526/2014 dated 11.09.2015 in accordance with the guideline issued in G.O.(Ms).No.83 dated 19/07/2013 by the Department of Rural Development and Panchayat Raj (CGS:1).

2. The petitioner is the president of Padur Panchayat. An announcement was made by the respondents under the Mahatma Gandhi National Rural Employment Guarantee Scheme, during 2013-14, for construction of VPSC at a cost of Rs.10,00,000/-. The 5th respondent through the letter dated 11.09.2015, issued orders to the petitioner's panchayat and sanctioned a sum of Rs.17,00,000/- under the said scheme for construction of VPSC. The 4th respondent located the place for construction of the said Centre. However, a section of people from the village prevented the officials from executing the work. Therefore, the petitioner, as a president, through her letter dated 25.01.2016, requested the 5th respondent, to provide police protection for the officials and others for the purpose of executing the work. In this regard, a letter was written to the 2nd respondent on 13.07.2016. Though a Peace Committee meeting was convened twice, no proper solution could be found.

3. Eventhough the work was attempted to be commenced on 22.07.2016, the same has been prevented. If the construction is not completed within this year, the funds allotted will be relapsed, thereby, the Village will loose the Centre, which have been allotted by the respondents. Therefore, the petitioner sent a representation on 27.07.2016 requesting to provide appropriate protection for the purpose of completing the construction. Since there was no response, the petitioner is before this Court.

4. Heard, Mr.K.Moorthy, learned Counsel appearing for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents 1 to 4 and 6 and Mr.R.Prathap Kumar, learned Additional Government Pleader, appearing for the 5th respondent.

5. Though the direction has been sought for to give protection for completion of the work, a positive direction cannot be issued. However, taking into consideration the fact that the amount sanctioned will be relapsed if the project is not completed within a year, it is appropriate to direct the 4th respondent to consider the petitioner's representation dated 27.07.2016 and take a decision, after enquiring all the parties, within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

pvs

To

- 1.The State of Tamilnadu rep. By its Secretary,
Department of Rural Development and
Panchayat Raj (CGS.1),
St. George Fort,
Secretariat,
Chennai.
- 2.The Collector,
Thiruvannamalai District,
Thiruvannamalai.
3. The Project Director,
District Rural Development Agencies,
Thiruvannamalai,
Thiruvannamalai District.

4.The Sub-Collector cum Revenue
Divisional Officer,
Cheyyar,
Tiruvannamalai District.

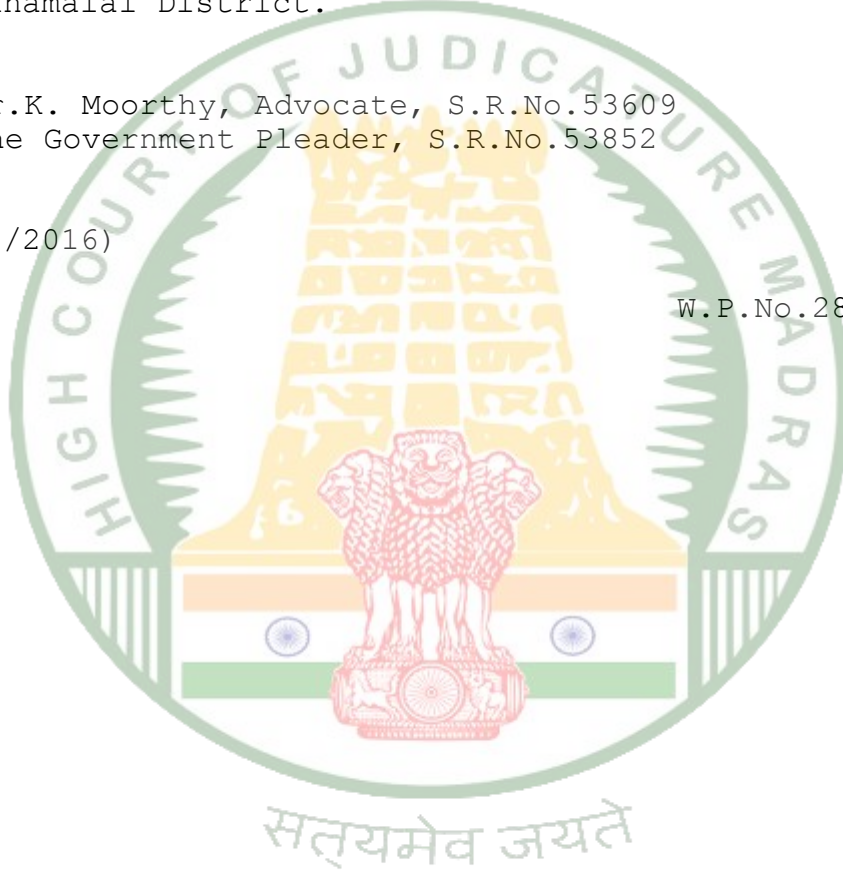
5.Block Development Officer,
Thellar,
Thiruvannamalai District.

6. The Tahsildhar,
Vandavasi,
Thiruvannamalai District.

+1cc to Mr.K. Moorthy, Advocate, S.R.No.53609
+1cc to the Government Pleader, S.R.No.53852

PVS(CO)
EU(18/10/2016)

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