

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.4459 of 2016

and

WMP.No.3780 of 2016

Vinotha

... Petitioner

vs.

1. The Rural Development and Panchayat Raj
Department rep. by its Director,
Panagal Maligai, Saidapet, Chennai 600 015.
2. The Block Development Officer (V.P)
Palacode, Dharmapuri District.
3. The Project Officer,
District Rural Development Agency,
Dharmapuri District.
4. The Assistant Executive Engineer,
Rural Development Department,
Dharmapuri.
5. Kandanahalli Village Panchayat,
rep. by its President,
Kandanahalli, Palacode Taluk,
Dharmapuri District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to initiate action to implement the procedure prescribed in the proceedings made in Na.Ka.No.167/2015/E1 dated 30.04.2015 issued by the first respondent in favour of the petitioner under "Indira Memorial Scheme" and to deposit a sum of Rs.1,20,000/- in petitioner's account in A/c SB No.31488813680 IFS Code No.SBIN0003834, State Bank of India, Marandahalli Branch, Palacode Taluk, Dharmapuri District.

For Petitioner : Mr.G.Ethirajulu

For R1 to R4 : Mr.P.Sanjay Gandhi, AGP

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to initiate action to implement the procedure prescribed in the proceedings made in Na.Ka.No.167/2015/E1 dated 30.04.2015 issued by the second respondent under "Indira Memorial Scheme" and to deposit a sum of Rs.1,20,000/- in her account in SB A/c.No.31488813680 IFS Code No.SBIN0003834, State Bank of India, Marandahalli Branch, Palacode Taluk, Dharmapuri District.

2. It is the case of the petitioner that she belongs to Scheduled caste community. The Union of India introduced a Scheme named as "Indira Memorial Scheme" to provide house sites to the landless poor coming under the category of schedule caste. Pursuant to the same, the second respondent by an order dated 30.04.2015, allotted the petitioner a house plot bearing No.36 in S.No.385, Kandanahalli Village, Palacode Taluk, Dharmapuri District to an extent of 0.42 sq.meters (526 sq.ft.) and also provided the fund of Rs.1,20,000/- for putting up a house to a minimum extent of 200sq.ft., subject to certain conditions. However, the respondents 2 and 5 did not release the funds as stated in the allotment order to the petitioner, which compelled her to file a petition in No.8737/2015/BUB/DP dated 8.11.2015 before the Director of Vigilance and Anti-Corruption to initiate action against them. In the mean while, the petitioner completed 80% of the work of construction of the house by borrowing money at exorbitant interest. She also made a representation dated 09.10.2015 to all the respondents including Vigilance Department, Dharmapuri, requesting to release the fund granted in the allotment order. On receipt of the same, the third respondent directed the fourth respondent to inspect the place and submit a report immediately and the first respondent by a communication dated 16.12.2015, directed the third respondent to initiate an enquiry and inform the outcome of the same. Thereafter, no action has been taken by the respondents. Therefore, the petitioner has filed the present writ petition for the above stated relief.

3. Learned counsel for the petitioner submitted that though the Government introduced such beneficial scheme, the Authority concerned has not shown any progress as envisaged in the guidelines framed for implementation of the same, due to which, the beneficiaries like that of the petitioner could not enjoy the fruits of the scheme for no fault of them. Learned counsel for the petitioner further submitted that the petitioner could not able to complete the construction for want of funds and is also paying interest for the amount borrowed for putting up the construction.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 4 and also perused the materials placed before this court.

5. It is the specific case of the petitioner that by the proceedings of the second respondent in Na.Ka.No.167/2015/E1 dated 30.04.2015, she was allotted a house site in S.No.385, Kandanahalli Village, Palacode Taluk, Dharmapuri District, with a sum of Rs.1,20,000/- for construction of a house minimum to an extent of 200 sq.ft. under "Indira Memorial Scheme". However, the respondents have not deposited the said amount to the account of the petitioner. In the mean while, the petitioner borrowed money at interest and started the construction work, but she could not able to complete the same for want of sufficient funds. When that being the position, there is no plausible explanation offered on the side of the respondents for not disbursing the amount, as per the allotment order dated 30.04.2015. In such circumstances, this court is of the view that it is a fit case, wherein, a direction is issued to the respondents to dispose of the representation of the petitioner, with regard to disbursement of the amount, in accordance with the allotment order.

6. Accordingly, the writ petition is disposed of, by directing the respondents to consider the representation of the petitioner dated 09.10.2015 and pass appropriate order, with regard to disbursement of the amount of Rs.1,20,000/- to the petitioner, as per the allotment order dated 30.04.2015 issued by the second respondent. The said exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

rk

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Director, Rural Development and Panchayat Raj Department, Panagal Maligai, Saidapet, Chennai 600 015.
2. The Block Development Officer (V.P) Palacode, Dharmapuri District.

3. The Project Officer,
District Rural Development Agency,
Dharmapuri District.
 4. The Assistant Executive Engineer,
Rural Development Department,
Dharmapuri.
 5. President, Kandanahalli Village Panchayat,
Kandanahalli, Palacode Taluk, Dharmapuri District.
- + 1 cc to Mr.G.Ethirajulu, Advocate, SR 9414

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