

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2016

C O R A M

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.9410 of 2016 &
WMP No.8393 of 2016

The President,
Sithamalli Panchayat
Mayiladuthurai Taluk,
Nagapattinam District

[PETITIONER]

Vs

- 1 The District Collector
Nagapattinam.
- 2 The Assistant Director [Panchayats]
Collectorate Complex
Nagapattinam District.
- 3 The Block Development Officer
[Village Panchayats]
Mayiladuthurai,
Nagapattinam District.

[RESPONDENTS]

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to forbear the second respondent from diverting the seigniorage fees payable to petitioner panchayat to some other panchayat, in violation of order passed by 1st respondent in his proceedings R.C.No.1/(G&M)/2016 dated 21.1.2016.

For Petitioner ... Mr.S.Sounthar

For Respondents... Mr.R.Rajeswaran -R1 & R2
Special Government Pleader
Mr.A.Kumar -R3
Special Government Pleader

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O R D E R

Heard Mr.S.Sounthar, learned counsel for the petitioner, Mr.R.Rajeswaran, learned Special Government Pleader for respondents 1 & 2, Mr.A.Kumar, learned Special Government

Pleader for third respondent and with the consent of the learned counsel appearing on either side, the writ petition is taken up for final disposal.

2.The petitioner Panchayat claims that the proposal submitted by them dated 08.02.2016, ought to have been considered and funds should not have been diverted to the another Panchayat in a different Block.

3.The learned counsel appearing for the third respondent produced before this Court the copy of the Minutes of the Review Meeting of the Assistant Director (Panchayats) at the Directorate of Rural Development and Panchayat Raj, wherein a decision has been taken that as per the 4th State Finance Commission recommendations, 75% of the amount released as seigniorage may be utilised to Village Panchayat and 25% may be retained at District level for improvement of infrastructural facilities in the adjacent Village Panchayats, which had been impacted by the quarries.

4.It is not in dispute that the petitioner Panchayat has released 75% of the amount from seigniorage quarries and the remaining 25% has been retained at the District level and has now been allotted to another Panchayat, which is also in the same Block and the same has been done by the District Collector vide proceedings dated 29.02.2016.

5.Thus, the petitioner Panchayat having realised 75% of the amount, they have no locus standi to claim that remaining 25% should also be utilised as per their proposal. In fact their proposal is not for their Panchayat, but, for another Panchayat and they claim that the fund should be utilised for forming the road. As long as the petitioner has no exclusive right to claim the 25% of the fund, the challenge to the impugned proceedings, is thoroughly misconceived.

6.Accordingly, the Writ Petition fails and the same is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

rpa

s/d-
Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

To

1 The District Collector
Nagapattinam.

2 The Assistant Director [Panchayats]
Collectorate Complex
Nagapattinam District.

3 The Block Development Officer
[Village Panchayats]
Mayiladuthurai,
Nagapattinam District.

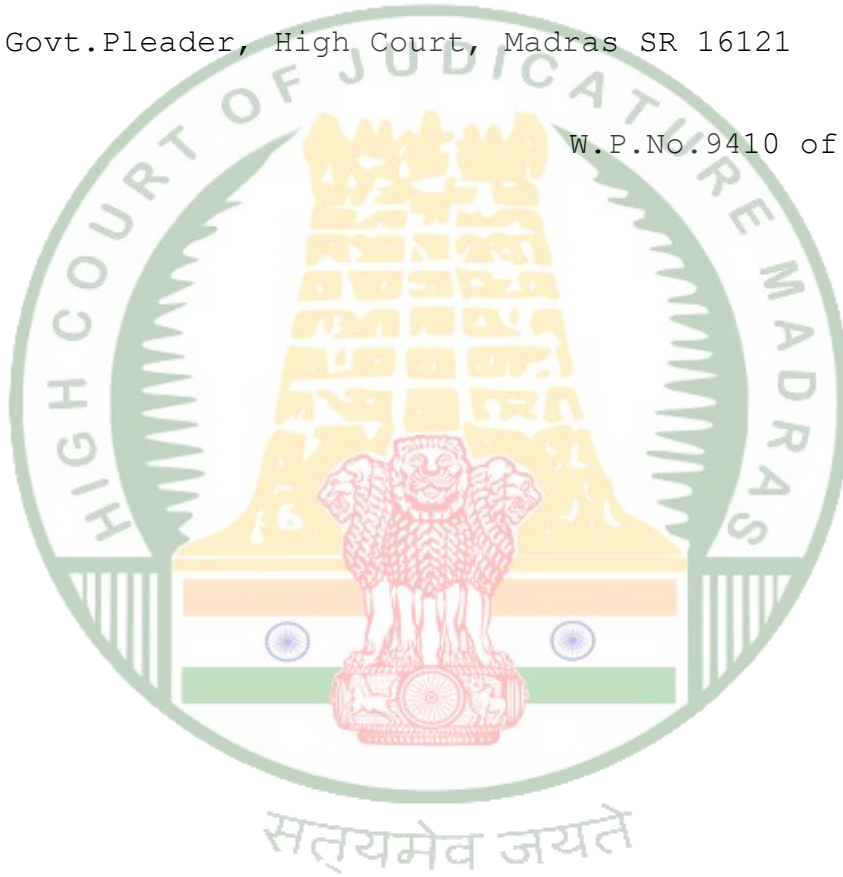
+ 1 cc to Mr.Sounthar, Advocate, SR 16377

+ 1 cc to Mr.A.Kumar, Advocate, SR 16312

+ 1 cc to Govt.Pleader, High Court, Madras SR 16121

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