



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P(MD)No.392 of 2015
and
M.P(MD)No.1 of 2015

C.Mayilsamy

.. Petitioner

Vs.

1.The Secretary to Government,
State of Tamil Nadu,
Rural Development Department,
Fort St. George, Chennai - 9.

2.The Commissioner,
Rural Development and Panchayat Raj,
Saythapet, Chennai - 5.

3.The District Collector,
Dindigul District,
Dindigul.

4.The Project Director,
District Collectorate Premises,
Dindigul, Dindigul District.

5.The Block Development Officer,
Batlagundu Union, Dindigul District.

6.The President,
P.Viralipatti Village Panchayat,
Batlagundu Taluk,
Dindigul District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the Respondent No.1 to 3 to implement the IAY and Green House allotment as per Government Guidelines and to cancel the improper allotment of green house at P.Viraliapatti Village Panchayat, Batlagundu Taluk, Dindigul District to



ineligible persons and consequently direct the Respondent No.1 to 4 to initiate legal action against the sixth respondent.

For Petitioner : Mr.R.Pandi Maharaja

For Respondents 1 to 5 : Mr.D.Muruganandam,
Additional Government Pleader.

For Respondent No.6 : No appearance

ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 to 3 to implement IAY and Green House Allotment as per Government Guidelines, by way of issuing a writ of mandamus.

2.It is averred in the petition that the petitioner is a resident of V.Kurumpatti, P.Viralipatti Post, Vattalagundu Taluk, Dindigul District. In P.Viralipatti Village nearly 200 houses have been built up under the scheme mentioned in the petition. The sixth respondent viz., President, P.Viralipatti Village Panchayat is a recommending authority and the fifth respondent Block Development Officer, Vattalagundu Union is a competent person to allot houses to the deserving people. In allotment of houses so many irregularities have been done and so many houses have been allotted to the persons who are not eligible. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3.In the counter filed on the side of the fifth respondent it is averred that only three houses have been allotted to persons who are not eligible and the remaining houses have been properly allotted and there is no merit in the petition and the same deserves to be dismissed.

4.The learned counsel appearing for the petitioner has advanced his argument on the basis of averments made in the petition.

5.As mentioned supra, in the counter filed on the side of the fifth respondent it has been candidly admitted to the effect that three houses have been allotted to three persons who are not eligible to get the same. But on the side of the petitioner it is represented that so many houses have been allotted to persons who are not eligible.

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6.Considering the definite stand taken on the side of the petitioner and also considering the clear admission made by the



fifth respondent, this Court is of the view to pass the following order.

7. In fine, this writ petition is allowed without costs and the respondents 3 and 4 are strictly directed to look into the allotment orders passed by the fifth respondent and if there is any irregularities/ malpractice, the respondents 3 and 4 are directed to set right the same within a period of three months. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

smn

To

1. The Secretary to Government,
Government of Tamil Nadu,
Rural Development Department,
Fort St. George, Chennai - 9.
2. The Commissioner,
Rural Development and Panchayat Raj,
Saythapet, Chennai - 5.
3. The District Collector, Dindigul District,
Dindigul.
4. The Project Director,
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Dindigul, Dindigul District.
5. The Block Development Officer,
Batlagundu Union, Dindigul District.

+1CC to Spl. Government Pleader Sr.No.81376

SMA/PV/23.12.16-3p-7c

ORDER MADE IN
W.P (MD) No.392 of 2015
and
M.P (MD) No.1 of 2015
15.12.2016