

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.29366 of 2016

Chellamuthu

.. Petitioner

Vs

1. The State,
rep. by the Secretary to Government,
Public Works Department,
Secretariat Chennai-600 009.
2. The Director
Panchayat Raj Rural Development Department,
4th Floor, Panagal Malikai,
Saidapet, Chennai-600 015.
3. The Chief Engineer P.W.D. W.R.O.,
Trichy Region, Pudukottai Road,
P.B.No.803, Subramaniapuram,
Trichirappalli 620 020.
4. The Executive Engineer,
P.W.D. W.R.O.,
Sarabanga Basin Division,
Namakkal.
5. The Assistant Executive Engineer,
Public Works Department,
Sarabanga Basin Division,
Attur, Salem District.
6. The Executive Engineer,
NABARD Scheme,
(Roads and Bridges),
District Rural Development,
Collectorate Campus, Salem.
7. The Executive Engineer,
Public Works Department,
Planning Design Division,
Hasthampatti, Salem-7.
8. The District Collector,
Salem District,
Salem.

9. The District Revenue Officer,
Collectorate Campus,
Salem District, Salem.
 10. The Project Officer,
District Rural Development,
Collectorate Campus,
Salem.
 11. The Revenue Divisional Officer,
Attur, Salem District.
 12. The Tahsildar,
Attur Taluk, Salem District.
 13. The Block Development Officer,
Thalaivasal Union, Salem District.
 14. The Assistant Executive Engineer,
Thalaivasal Union, Salem District.
 15. K.Venkatachalam,
 16. M.Chinnathambi
The President,
Siruvachur Panchayat,
Attur Taluk, Salem District.
 17. P.Periyasamy
Union Counselor,
Siruvachur Village,
Attur Taluk, Salem District.
 18. KulluGounder
President of Milk Producers Cooperative Society,
Siruvachur Village,
Attur Taluk, Salem District.
 19. Arunachalam
 20. Ramu
 21. R.Karuppiyah
 22. Alamarathan
 23. Prakasam
 24. P.Bharathidasan
 25. V.Periyannan
 26. V.Murugan
 27. P.Periyannan
 28. Selvam
- .. Respondents

(Respondent Nos.19 to 28 impleaded as per
the order dt. 5.12.2016 in
WMP.No.34995 of 2016)

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 8th respondent to conduct the enquiry by appointing suitable person in order to take action against the erred officers involved in the work namely "formation of That Road from Primary Health Centre to Indra Nagar viz., Anbu Nagar, Siruvachur village,

Attur Taluk, Salem District" which was taken place in the river comprising in Survey Nos.184, 185 & 186 and Chinnapillai Odai comprising in Survey No.188 as against the administrative sanction (A.S) and consequently direct the 8th respondent to remove the encroachment by ensuring the river and Chinnapillai Odai into the original position enable to maintain the water storage in the check dam and the ground water level in the locality at Siruvachur village, Attur Taluk, Salem District.

For Petitioner : Mr.M.Rajendiran

For Respondents : Mr.T.N.Rajagopalan
Spl. G.P. for R1 to R12, R14

Mr.V.S.Ramesh for R13, R16 & R17

Mr.R.Marudhachalamurthy
for R19 to R28

No appearance for R18

* * * * *

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The affidavit filed by the District Collector/respondent No.8 shows that the authorities have acted with considerable speed to disburse the payment in the present case, certainly not done under normal circumstances. An order was passed by this Court on 24.08.2016 granting interim stay. The bill was passed on 29.8.2016, approved on the next day (30.8.2016) by the District Collector and payment was disbursed by the Project Director on 02.9.2016. It is stated that thus the disbursal took place before the interim order passed by this Court. The person present in Court, who made the statement on 28.9.2016 was not fully aware of the facts.

2. In order to satisfy the conscience of the Court about the probity and the manner in which the payment was made, we call upon respondent No.8/District Collector, Salem to file an affidavit stating how many contractual payments he had approved during his tenure in Salem District and what is the time period taken from the receipt of the bill passed till the approval and disbursal of payment.

3. The affidavit be filed within two weeks.

4. The writ petition, accordingly, stands disposed of. No costs.

5. List for compliance on 24.02.2017.

s/d-
Assistant Registrar (CO)

//True Copy//

Sub-Assistant Registrar

To

- 1 The Secretary to Government,
Public Works Department,
Secretariat Chennai-600 009.
- 2 The Director
Panchayat Raj Rural Development Department,
4th Floor, Panagal Malikai,
Saidapet, Chennai-600 015.
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- 12 The Tahsildar,
Attur Taluk, Salem District.
- 13 The Block Development Officer,
Thalaivasal Union, Salem District.
- 14 The Assistant Executive Engineer,
Thalaivasal Union, Salem District.

Copy to:-

The Sub Assistant Registrar (Writs),
High Court, Madras.

+1 CC to M/s. R. Marudhachalamurthy, Advocate sr 6150
+1 CC to Government Pleader sr 6216

Copy To:

The Section Officer,
Writ Section, High Court, Madras
(To Post this case on 24.02.2017)

W.P.No.29366 of 2016

KJ (CO)
sp/6/2



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