

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2018

CORAM

THE HON'BLE MR.JUSTICE M. DHANDAPANI

W.P.No. 3010 of 2008 and

M.P.No. 1 of 2008

Pechiparai Village Panchayat,
Represented by its President
S. Rajan
Tiruvattar Panchayat Union,
Kanyakumari District,

..Petitioner

Vs.

1. The State of Tamil Nadu,
Secretary to Government,
Rural Development Department,
Fort St. George
Chennai - 600 009.
2. The District Collector,
Kanyakumari District,
Nagercoil.
3. The Project Officer,
District Rural Development Agency,
Nagercoil.
4. The President,
Suralakkoda Panchayat,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents 2 and 3 from transferring the funds allotted under the Sampoorana Grameen Rozgar Yozana Scheme to National Rural Employment Guaranty Act in respect of Pechiparai Village Panchayath and Suralakodu Village Panchayat of the Thiruvattar Panchayat Union in Kanyakumari District.

For Petitioner : Mr.S. Kamadevan
For Respondents : Mr.R. Govindasamy
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus, forbearing the respondents 2 and 3 from transferring the funds allotted under the Sampoorana Grameen Rozgar Yozana Scheme to National Rural Employment Guaranty Act in respect of Pechiparai Village Panchayath and Suralakodu Village Panchayat of the Thiruvattar Panchayat Union in Kanyakumari District.

2. The case of the petitioner is that he is a resident of Pechiparai Village located in the hill side and there are number of Scheduled Tribes living within the Panchayat. There are 40 hamlets within the Pechiparai Village Panchayat. Out of 40 hamlets, the Scheduled Tribes are living in 26 hamlets. The total population of Scheduled Tribes was 1449 in the year 1991, as per the census report in the year 1991. However, census has been conducted by the Director of Census Operations, Tamil Nadu E-Wing for the year 2001 and the same was published in primary census Abstract 2001, in which, the total population of Scheduled Tribes is noted as 203.

3. Whereas, while entering the data in the Census Report 2001, it has been wrongly entered, as if, the Pechiparai Village Panchayat is having Scheduled Tribe population of 203 and the Surulakkodu Village Panchayat is having Scheduled Tribe population of 2172. The above said mistake was brought to the notice of the Authorities. It was mentioned in the District Election Officer's order, dated 30.05.2006 as third reference.

4. After receipt of the representation on 30.05.2006, the District Election Officer and District Collector, Kanyakumari District, issued directions to the concerned authorities to carry out necessary verification and correction if needed, and the same has to be undertaken earlier.

5. Though the present writ petition has been filed seeking Writ of Mandamus forbearing the respondents 2 and 3 from transferring the funds allotted under the Sampoorna Grameen Rozgar Yozana Scheme to National Rural Employment Guaranty Act in respect of Pechiparai Village Panchayath and Suralakodu Village Panchayat of the Thiruvattar Panchayat Union in Kanyakumari District. However, perusal of the proceedings dated 01.02.2008 discloses that the Block Development Officer has issued direction to the Village Panchayat Presidents to complete the SGRY Schemes and comply the order in G.O.Ms.No.146 dated 17.08.2007. Though the writ petition was filed in the year 2008, however, no interim order has been granted in favour of the petitioner. In the absence of any interim order and after a lapse of ten years, I do not think anything would survive for further adjudication in this writ petition.

6. Hence, this writ petition is dismissed as nothing survives for further adjudication. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IX)

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Sub Assistant Registrar

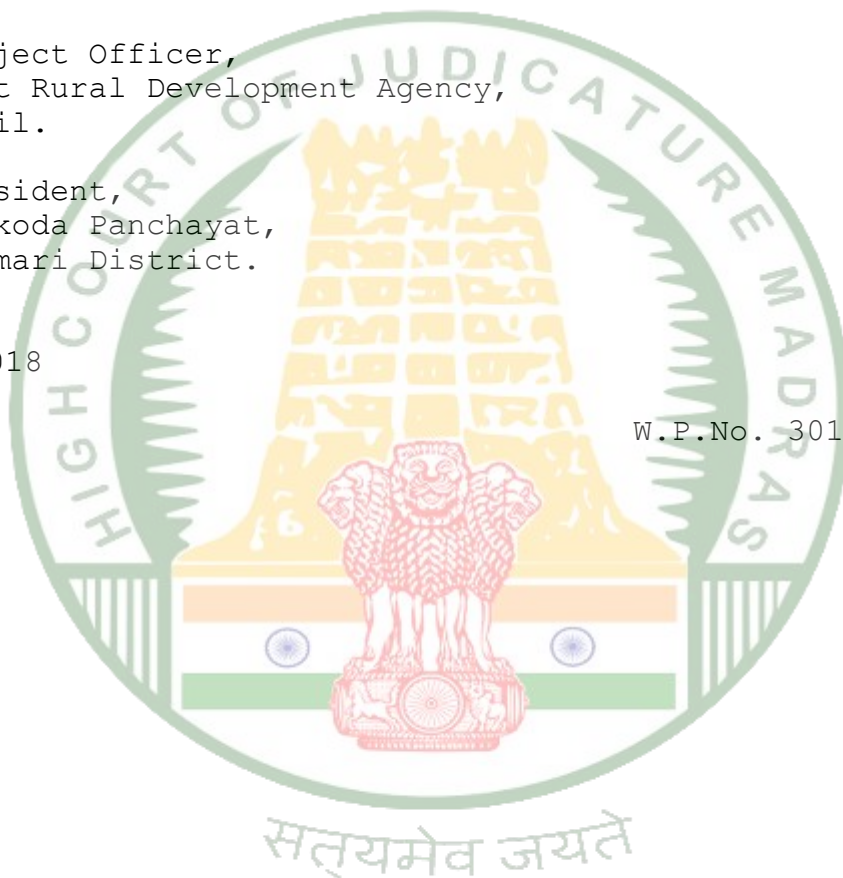
msm

To:

1. The State of Tamil Nadu,
Secretary to Government,
Rural Development Department,
Fort St. George, Chennai - 600 009.
2. The District Collector,
Kanyakumari District,
Nagercoil.
3. The Project Officer,
District Rural Development Agency,
Nagercoil.
4. The President,
Suralakkoda Panchayat,
Kanyakumari District.

SVI (CO)
sm:11.6.2018

W.P.No. 3010 of 2008
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