



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P(MD)No.175 of 2018
and
W.M.P(MD)No.183 of 2018

A.Nagarajan

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Block Development Officer (Village Panchayats),
Kariyapatti Panchayat Union,
Kariyapatti,
Virudhunagar District.

3.The Village Panchayat Secretary,
D.Kadambankulam Village Panchayat,
Kariyapatti Panchayat Union,
Virudhunagar District.

4.Jansi Rani

5.Ramadhas

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to take appropriate proceedings against the respondents 4 and 5 for misusing their official capacity and consequently direct the respondents following the procedure contemplated under the Tamil Nadu Transparency in Tenders Rules, 2000 and Tamil Nadu Panchayat (Preparation of Plans and Estimate for works and mode and conditions of Contract) Rules, 1998, in respect of works to be executed under Panchayat Union General Fund after obtaining prior approval from the petitioner's Village Panchayat by passing resolution in Grama Sabha.

For Petitioner : Mr.M.Saravana Kumar

For RR 1 to 3 : Mr.M.Murugan,
Government Advocate.

ORDER

(Order of the Court was made by
M.SATHYANARAYANAN, J.)

By consent, the Writ Petition itself is taken up for final disposal.

2.The petitioner claims to be a native of Keela Upplikundu, D.Kadambankulam Village Panchayat, Kariyapatti Panchayat Union, Virudhunagar District and he has filed this Writ Petition, styled as a Public Interest Litigation, stating among other things that the State Government had granted funds to the said Panchayat Union to implement the welfare schemes and the Grama Sabha has to make it clear as to how the projects to be implemented out of the said funds. However, the respondents 2 and 3, without issuing any tender notification and without following the relevant norms, engaged their own men and started working to the tune of Rs.11,00,000/- and also given the details in paragraph No.4 of the affidavit filed in support of the petition and it is relevant to extract hereunder:-

"1.Laying Pipe line from Keelaupplikundu to Pudur at the cost of Rs.80,000/-. (No tender was called for)

2.Digging bore well in Thangapandiyan Nagar at the cost of Rs.1,80,000/- (No tender was called for)

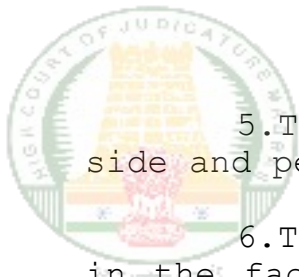
3.To affix favor block stone near to Government Primary School, Keela Upplikundu Village at the cost of Rs.2,50,000/- (No tender was called for)

4.To construct a drinking water tank near to Odu Palam, Keela Upplikundu Village at the cost of Rs.1,00,000/- (No tender was called for)

5.Digging bore well and laying pipe line in Thoduvanpatti Village at the cost of Rs.1,80,000/- (No tender was called for)."

3.Mr.M.Saravana Kumar, learned counsel appearing for the petitioner has drawn the attention of this Court to the typed-set of documents and would submit that the projects to be executed is to be decided by the Grama Sabha and without holding meeting, the official respondents 2 and 3 engaged their own men, without following the Tamil Nadu Transparency in Tenders Act, 1988, and started their work and it had caused huge revenue loss to the local body. Though the said fact has also been brought to the knowledge of the first respondent in the form of representation, dated 22.12.2017 and in receipt and acknowledgment, no action has been taken so far and left with no other option, the petitioner has filed this Writ Petition.

4.This Court has heard Mr.M.Murugan, learned Government Advocate appearing for the respondents 1 to 3, who would submit that the representation submitted by the petitioner will be disposed of in accordance with law at the earliest possible time.



5.This Court has heard the rival submissions made on either side and perused the materials placed on record.

6.Though the petitioner prayed for a larger relief, however, in the facts and circumstances of the case and without going into the merits of the case of the petitioner, this Court permits the petitioner to submit a fresh representation along with the relevant documents to the Assistant Director of Village Panchayat, Collectorate, Virudhunagar District within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, the said official is directed to put the petitioner as well as the respondents 4 and 5 on notice and thereby consider and dispose of the said representation on merits and in accordance with law and pass appropriate orders within a further period of six weeks thereafter and communicate the decision taken, to the petitioner as well as to the respondents 4 and 5.

7.The Writ Petition stands disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub-Assistant Registrar

To

- 1.The District Collector,
Virudhunagar District, Virudhunagar.
- 2.The Block Development Officer (Village Panchayats),
Kariyapatti Panchayat Union,
Kariyapatti, Virudhunagar District.
- 3.The Village Panchayat Secretary,
D.Kadambankulam Village Panchayat,
Kariyapatti Panchayat Union,
Virudhunagar District.

Copy To:-

- 4.The Assistant Director of Village Panchayat,
Collectorate,
Virudhunagar District.

+One cc to M/s.M.Saravanakumar, Advocate, SR.No.40603
+One cc to The Special Government Pleader, SR.No.40825

ps

RL/7C/3P/JC/SAR1/18/1/2018

W.P (MD) No.175 of 2018