



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2018

CORAM:

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THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.2319 of 2018

S.Muthu

... Petitioner

vs.

1. The District Collector,
Sivagangai,
Sivagangai District.
2. The Project Director,
Rural Development Agency,
Sivagangai, Sivagangai District.
3. The Block Development Officer,
Thiruppuvanam Panchayat Union,
Thiruppuvanam,
Sivagangai District.
4. The Special Officer,
Melasorikulam Panchayat,
Thiruppuvanam Taluk,
Sivagangai District.

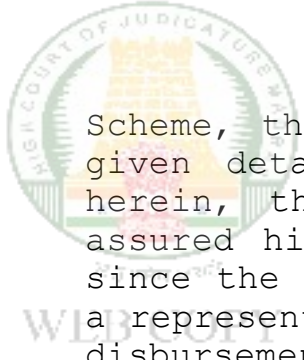
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to disburse the payment under the scheme of Indra Awas Yojana (IAY) as per proceedings and work order passed by the 3rd and 4th respondents in e.f.gp5/926/15 dated 17.08.2016 and e.f.gp5/2762/16 dated 07.11.2016 respectively, so as to enable the petitioner to continue and complete the house building works based on the representation dated 27.01.2018.

For Petitioner : Mr.D.Ramesh Kumar
For Respondents : Mr.V.Anand
Government Advocate

O R D E R

The case of the petitioner is that he was selected as a beneficiary to construct a house under Indra Awas Yojana (IAY) Scheme (hereinafter, referred to as "the Scheme"). As per the



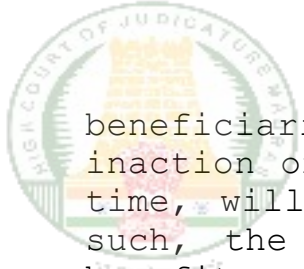
Scheme, the petitioner is entitled for payment and though he had given details of his Bank Account to the respondents 3 and 4 herein, they had advised him to complete the construction and assured him that the funds would be disbursed to him. However, since the funds were not disbursed under the Scheme, he had given a representation, dated 27.01.2018, to the respondents seeking for disbursement of the funds entitled to him under the Scheme and the present writ petition has been filed for non-consideration of his representation.

2. The learned Government Advocate, on instructions, submitted that under the Scheme, funds would be released to the beneficiary in four stages and that the petitioner has almost completed the construction and he was, therefore, recommended for cancellation of his selection as beneficiary and accordingly, by an order dated 12.02.2018 his selection came to be set aside on the ground that the petitioner had violated the terms of the Scheme by completing the construction without availing the loans for the various stages.

3. I have given careful consideration to the submissions made by the respective learned counsels.

4. It is not in dispute that the petitioner was selected as a beneficiary under the Scheme. It is the specific case of the petitioner that as soon as the respondents 3 and 4 had issued the work orders on 17.08.2016 and 07.11.2016, he had given the Bank Account details to them and they had also assured him that funds would be disbursed. He had also made a representation on 27.01.2018 apprising all these facts. The proof of having sent the representation to the respondents 3 and 4 has also been produced before this Court. While that being so, there is no justification on the part of the respondents to keep the representation pending and furthermore, when the petitioner has specifically urged in his representation that he had commenced the construction based on the assurance of the respondents 3 and 4, this Court needs to take a judicial note of such an averment made. As such, it can only be concluded that the petitioner herein had approached the respondents 3 and 4 seeking for disbursement of the funds and the respondents 3 and 4 had failed to disburse the same, which made the petitioner to commence the construction.

5. The further aspect on this ground is that there is no impediment on the part of the respondents to make a payment for the construction, which has already been commenced. The object of the Scheme is to help the beneficiaries to put up constructions in view of their financial status. When the funds have not been released in time, it cannot be said that the beneficiaries should not mobilize the funds by borrowings and commence the construction. This Scheme does not envisage that the



beneficiaries, who have commenced the construction in view of the inaction on the part of the respondents in releasing the funds in time, will be dis-entitled from the benefits of the Scheme. As such, the petitioner would be entitled for the entire monetary benefits under the Scheme.

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6. With the above observations, there shall be a direction to the respondents 2 to 4 to consider the petitioner's representation, dated 27.01.2018, in the light of the above observations and release the necessary funds to him under the Scheme. Such an exercise shall be done within a period of four weeks from the date of receipt of a copy of this order. Writ petition stands allowed. No costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To:

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+ 1 CC TO Mr.D.RAMESH KUMAR, ADVOCATE IN SR No. 61750

KRK

TE/KK/SAR-4 : 28/04/2018 : 3P/6C

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