



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.21828 of 2017

and

W.M.P. (MD) Nos.18118 & 18119 of 2017

N.K.Gurusamy

... Petitioner

-Vs-

1.The District Collector,
Virudhunagar District.

2.The Assistant Director of Panchayat,
District Collectorate,
Virudhunagar District.

3.The Commissioner,
Thiruchuzhi Panchayat Union,
Virudhunagar District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the third respondent in Na.Ka.A2/488/2017 dated 02.08.2017, quash the same and consequently direct the second respondent to pass an order on the petitioner's application dated 27.12.2016 for including his name in the registered contractor panel.

For Petitioner : Mr.Niranjana S.Kumar
For R1 & R2 : Mr.M.Rajarajan,
Government Advocate.
For R3 : Mr.Muthu Kannan

ORDER

The petitioner filed this Writ Petition challenging the order dated 02.08.2017 passed by the third respondent refusing to register the petitioner as a contractor in the third respondent Panchayat.

2.According to the petitioner, he is a registered contractor for doing various works with the Government and he requested the third respondent to remove his name from the panel of registered contractors as he had contested in the local body election. Hence, his name was removed. Subsequently, he made a



representation before the third respondent to register his name in the panel list, but the application has been rejected by the third respondent on the ground that as per G.O.(Ms)No.286, Rural Development (CSS-1) Department, dated 31.12.1998, only Panchayat Union Council is a competent to make recommendation for registering the contractor. Since no council is functioning as on date, the petitioner's request was not considered. Challenging the same, this Writ Petition has been filed.

3.Today, when the matter is taken up for hearing, the learned counsel for the respondents submitted that subsequently, the Government issued another G.O. in G.O.(Ms)No.125 of Rural Development and Panchayat Raj (PR-1) Department, dated 24.10.2016, by which the Government appointed Assistant Director (Panchayats) of Rural Development and Panchayat Raj Department as Special Officers to exercise the powers of the Panchayat Union Councils and the Assistant Director is only competent to make recommendation.

4.In the above circumstances, the petitioner is directed to make application before the Assistant Director (Panchayats) of Rural Development and Panchayat Raj Department, Tiruchuli, Virudhunagar District, within a period of one week from the date of receipt of a copy of this order. On filing of such application, the Assistant Director is directed to consider the petitioner's application and pass orders after providing opportunity of hearing to the petitioner on merits and in accordance with law within a period of two weeks thereafter.

5.With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector, Virudhunagar District.

2.The Assistant Director of Panchayat,

District Collectorate, Virudhunagar District.

Copy to:

The Assistant Director (Panchayats),

Rural Development and Panchayat Raj Department,

Tiruchuli, Virudhunagar District,

+1CC to Mr.Niranjana S.Kumar, Advocate, SR.No. 42008

+1CC to the Special Government Pleader SR.No.41942

W.P (MD) No.21828 of 2017

10.01.2018