



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2018

CORAM:

**THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND**

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P(MD)No.22889 of 2017

C.Thavasi Palani : Petitioner

Vs.

1.The District Collector,
O/o. The District Collector,
Dindigul District.

2.The Commissioner,
Union Office,
Natham Panchayat Union,
Dindigul District.

3.The Deputy Block Development Officer, (Panchayats),
Union Office,
Natham Panchayat Union,
Dindigul District.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to take action against the respondents 2 and 3 for the irregularities committed in Individual Household Latrine scheme pursuant to the representation of the petitioner dated 25.09.2017 to the first respondent herein.

For Petitioner : Mr.M.Sankar
For Respondent No.1 : Mr.A.Muthukaruppan
Additional Government Pleader
For Respondents 2 & 3 : Mr.V.Muruganantham
Standing Counsel

ORDER

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

Mr.A.Muthukaruppan, learned Additional Government Pleader accepts notice on behalf of the first respondent and Mr.V.Muruganantham, learned Standing Counsel accepts notice on behalf of the second and third respondents.



2. In the writ petition styled as a Public Interest Litigation, the petitioner would aver among other things that the Government has floated a scheme for construction of wash room (Latrine) and while choosing the beneficiaries, some irregularities had taken place and in this regard he submitted a representation dated 25.09.2017 to the first respondent, pointing out the irregularities and misappropriation on the part of the second and third respondents and further prayed for implementation of the scheme strictly in accordance with the relevant Government Orders.

3. The grievance expressed by the petitioner is that despite receipt and acknowledgment of the said representation, no action has been taken to address the grievance of the petitioner and hence, came forward to file this writ petition.

4. Per contra, Mr. V. Muruganantham, learned Standing Counsel appearing for the second respondent has invited the attention of this Court to the counter affidavit and would submit that the said scheme is implemented strictly in accordance with G.O. (Ms). No. 46, Rural Development and Panchayat (CGS-1) Department, dated 26.03.2015 and the guidelines are also followed in terms of G.O. (MD). No. 5, Rural Development and Panchayat Raj (CGS-1) Department dated 19.01.2015 and would further aver that if the name of the applicant is found in the list of house holders, the benefit would be accorded to him.

5. This Court has considered the rival submissions and also perused the materials placed before it.

6. Though, the writ petition is styled as a Public Interest Litigation, in the considered opinion of this Court, the petitioner is not only projecting public interest, but also his private interest for the reason that he has also sought the benefit under the said scheme. Be that as it may, this Court taking into consideration the above facts and circumstances as well as the stand taken by the second respondent in the counter affidavit, directs the second respondent to send necessary reply in that regard, to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

7. The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (ADII)

/True Copy/

Sub-Assistant Registrar



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To

1.The District Collector,
O/o. The District Collector,
Dindigul District.

2.The Commissioner,
Union Office,
Natham Panchayat Union,
Dindigul District.

3.The Deputy Block Development Officer, (Panchayats),
Union Office,
Natham Panchayat Union,
Dindigul District.

+One cc to The Special Government Pleader, SR.No.47249

MR
RL/5C/3P/JC/SAR1/21/2/2018

W.P (MD) No.22889 of 2017

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