

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26/2/2019

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.5292 of 2019

A. Perumal ... Petitioner

Vs

1. The District Collector
Villupuram District
Villupuram.
 2. The Block Development Officer
(Village Panchayats)
Kanai Panchayat Union
Kanai
Villupuram District.
- ... Respondents

PRAYER:

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to appoint Thooimai Kavalar in Athiyur Thirukkai Village in Kanai Panchayat Union of Vikaravandi Taluk, Villupuram District, by following G.O.Ms.No.54, Rural Development and Panchayat Raj (CGS - I) Department, dated 10/4/2018.

For petitioner ... Mr.S.Udayakumar

For respondents ... Mr.E.Manoharan
Additional Government Pleader
for R.R.1 and 2.

O R D E R

(Order of the Court was delivered by S.Manikumar, J)

Claiming himself to be a resident of Athiyur - Thirukkai Village, Vikaravandi Taluk, Kanai Panchayat Union, Villupuram District and contending inter alia that although G.O.Ms.No.54, Rural Development and Panchayat Raj (CGS - I) Department, dated

10/4/2018, mandates appointment of Thooimal Kavalakar in every Village, Block Development Officer (Village Panchayats), Kanai Panchayat Union, second respondent, has so far, not appointed such persons in Athiyur Thirukkai Village and on account of the same, garbage is not cleared, which has resulted in infectious diseases.

2. Petitioner has sought for information, vide, application, dated 17/12/2018, under the Right to Information Act, responded, vide, proceedings of the Deputy Block Development Officer, Kanai Panchayat Union, in R.C.No.E2/3960/18, dated 2/12/2018 and further contending that the representation, dated 5/1/2019, submitted to the Assistant Director (Panchayats), office of the District Collector, Villupuram, has not been disposed of, instant writ petition has been filed, to direct the respondents, to appoint Thooimai Kavalakar, in Athiyur Thirukkai Village, in Kanai Panchayat Union of Vikaravandi Taluk, Villupuram District, by following G.O.Ms.No.54, Rural Development and Panchayat Raj (CGS - I) Department, dated 10/4/2018.

3. Material on record discloses that vide, proceedings, in R.C.No.A6/1469/2018, dated 18/1/2019, representation of the petitioner, dated 5/1/2019, has been forwarded to the Block Development Officer (Village Panchayats), Kanai Panchayat Union, second respondent, for suitable action and to revert within one week.

4. Considering the limited prayer and the action taken on the representation, dated 5/1/2019, we direct Mr.E.Manoharan, learned Additional Government Pleader, to take notice on behalf of the District Collector, Villupuram District and the Block Development Officer (Village Panchayats), Kanai Panchayat Union, Villupuram District, respondents 1 and 2, respectively.

5. Appointment of Thooimai Kavalakar is mandated, vide, G.O.Ms.No.54, Rural Development and Panchayat Raj (CGS - I) Department, dated 10/4/2018. Material on record shows that action on the representation, dated 5/1/2019 has been taken. Assistant Director (Panchayats), Villupuram District has requested the Block Development Officer (Village Panchayats), Kanai Panchayat Union, Villupuram District, second respondent, to take action. Said proceeding has been issued on 18/1/2019. However, contending inter alia that garbage is not cleared for quite some time, the petitioner has rushed this Court.

6. Block Development Officer (Village Panchayats), Kanai Panchayat Union, Villupuram District, second respondent, is directed to take appropriate action, in the light of

G.O.Ms.No.54, Rural Development and Panchayat Raj (CGS - I) Department, dated 10/4/2018 and to complete the exercise, in the event of Thooimai Kavalur of not being appointed, within two weeks from today, in accordance with the procedure contemplated. In the event of any delay, due to any bonafide reasons, it is always open to the Block Development Officer (Village Panchayats), Kanai Panchayat Union, Villupuram District, to seek for extension of time.

7. With the above direction, instant writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The District Collector
Villupuram District
Villupuram.
2. The Block Development Officer
(Village Panchayats)
Kanai Panchayat Union
Kanai
Villupuram District.

+1cc to Mr.S.Udayakumar, Advocate, S.R.No.17935
+1cc to the Government Pleader, S.R.No.18179

W.P.No.5292 of 2019

RJI (CO)
CS/04/04/2019

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