

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.08.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8731 of 2011

M.P.No. 1 of 2011

M.V.Pushpagaran

...Petitioner

Vs.

The Additional Collector (Development)/
Project Officer, District Rural Development Agency
Krishnagiri District.

...Respondent

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondent to permit the petitioner to be present at the time of inspection of the works undertaken at Zuzuwadi panchayat for the year 2009-2010 and 2010-2011 pursuant to the proceedings bearing No. 439/11/R1 dated 18.03.2011.

For Petitioner : Mr.V.Suthakar

For Respondent : Mr.J.Ramesh
Additional Government Pleader

O R D E R

The petitioner filed this Writ Petition praying to issue a writ of Mandamus, directing the respondent to permit the petitioner to be present at the time of inspection of the works undertaken at Zukuwadi Panchayat for the years 2009-2010 and 2010-2011 pursuant to the proceedings bearing No. 439/11/R1 dated 18.03.2011.

2. The learned counsel for the petitioner would submit that the petitioner is a Diploma holder in Civil Engineering and a retired Overseer who attained the age of superannuation on 30.06.2007 at Hosur Panchayat Union and the petitioner states that he was listed as a Chartered Engineer of Hosur Panchayat Union by the proceedings No. 2238/08/E2 dated 17.06.2008 of the Development Officer, Village Panchayat, Hosur Block, Krishnagiri District.

3. The learned counsel appearing for the petitioner further states that the Government of Tamil Nadu, by G.O.Ms.No. 135/Rural Development Department, dated 03.07.1998 empowered the Block Development Officers of the Panchayat Unions to appoint the retired overseers, who are having qualification of Diploma/Degree in Civil Engineering, as a Chartered Engineer to grant technical sanction for the works of the Panchayat situate within the concerned Panchayat Union. Based on the aforesaid G.O, the petitioner was listed as a Chartered Engineer for Hosur Panchayat Union and for the works valuing less than Rs.1,00,000/. The concerned Chartered Engineer can grant technical sanction for the work, which will be later check-measured by the Union Engineer of the concerned block and thereafter the payment will be made to the contractor. For the works valuing more than Rs. 1,00,000/-, Chartered Engineer is not the competent person and only the Union Engineer has to measure and thereafter, it has to be check-measured by the Assistant Divisional Engineer. Pursuant to the listing of the petitioner as Chartered Engineer on 17.06.2008, the petitioner was entrusted with the work of granting technical sanction for various works carried out by different Panchayats in the Hosur Panchayat Union and all the measurements were subsequently check-measured by the Union Engineer of the concerned block.

4. The petitioner states that for the Zuzuwadi Village Panchayat, which is situated within Hosur Panchayat Union, certain works were undertaken in the years 2009-2010 and 2010-2011, viz., laying of concrete road, drainage and water lines, etc., and those works were technically sanctioned by the petitioner as Chartered Engineer and subsequently check-measured for execution of works.

5. At this juncture, the Additional Director / Project Officer, District Rural Development Agency, Krishnagiri District issued a memo bearing No.439/11/R1 appointing one V.Suresh, Executive Engineer and one Manjunathan, Assistant Engineer to inspect the works which were undertaken at Zuzuwadi village. The petitioner states that the above said Engineers are inspecting the properties without informing the petitioner which is against the principles of natural justice. Accordingly, the petitioner made a representation dated 26.03.2011, requesting the respondent to give opportunity to the petitioner to be present during the inspection and as against the communication issued by the respondent, the present writ petition is filed.

6. Though the writ petition has been filed in the year 2011, there is no interim order. In such circumstances, nothing survives in the present writ petition and no further adjudication is required. Accordingly, the present writ petition is dismissed as having become infructuous.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

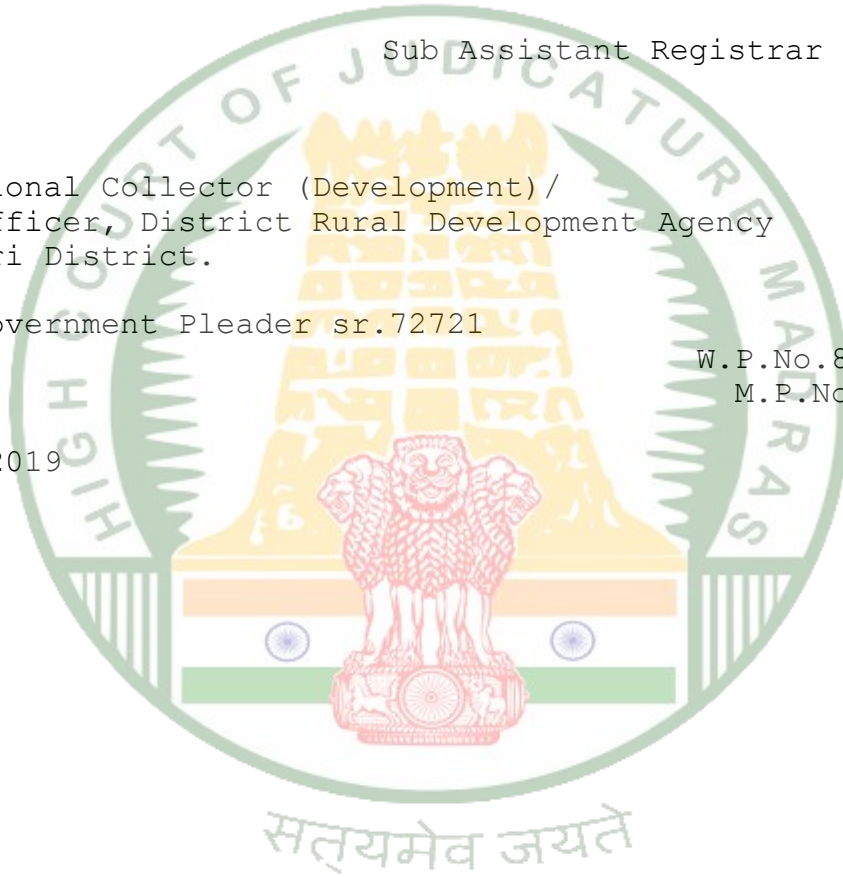
To

The Additional Collector (Development)/
Project Officer, District Rural Development Agency
Krishnagiri District.

+1cc to Government Pleader sr.72721

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