

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.11284 of 2019

M.Vimala

...Petitioner

Vs.

1.The Government of Tamil Nadu
Represented by its Secretary
Department of Rural Development and Panchayat Raj
Fort St.George, Chennai-9.

2.The District Collector
Villupuram District.

3.The Block Development Officer
(Village Panchayat)
Mailam Panchayat Union
Villupuram District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent to disburse the amount of Rs.24,260/- which represents costs of constructional materials under Indira Awaas Yojana (IAY) Scheme for the financial years 2015-2016, pursuant to his communication in Ref.Na.Ka.No.B2/0320/2018 dated 07.05.2018 within a time frame.

For Petitioner : Mr.R.Veeramani

For Respondents: Mr.J.Purushothaman

Government Advocate for R1 & R2

Mr.M.Thamizharasan

Government Advocate, for R3

O R D E R

Mr.J.Purushothaman, learned Government Advocate takes notice for the respondents 1 & 2. Mr.M.Thamizharasan, learned Government Advocate takes notice for the third respondent. By consent of the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a mandamus directing the third respondent to disburse the amount of Rs.24,260/-, towards costs of construction materials under Indira Awaas Yojana (IAY) Scheme for the financial years 2015-2016, pursuant to the communication of the third respondent dated 07.05.2018.

3. Heard both sides.

4. It is stated that the petitioner was selected as one of the beneficiaries under Indira Awaas Yojana (IAY) Scheme for the financial year 2015-2016 and work order was also issued by the third respondent to the petitioner to start construction work. Based on the work order, the petitioner commenced construction work by raising funds from relatives. It is further stated that the petitioner completed the construction work with the initial instalment paid by the third respondent and mobilising funds from other sources. Thereafter, the petitioner approached the third respondent seeking for release of the final amount. It was informed by the third respondent that due to insufficient funds, they were unable to release the funds and also given an undertaking to the effect that on receiving funds from the Government, they will make payment to the petitioner.

5. It is stated that the petitioner issued a lawyer's notice to the respondents 2 & 3 on 12.02.2018 to make final payment of Rs.24,260/- towards construction materials. Thereafter, the petitioner received a reply dated 19.09.2018 stating that suitable action will be initiated on his claim, however, no action was taken. Ventilating such grievance, the petitioner has made a representation to the respondents on 02.11.2018. However, the respondents have not considered the same. Hence, the present writ petition.

6. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner, as it is for the third respondent to consider and decide. Thus, this writ petition is disposed of, only with a direction to the third respondent to consider the representation of the petitioner 02.11.2018 and pass orders on the same on merits and in accordance with law, after hearing all the parties concerned. Such exercise shall be done by the third respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS)

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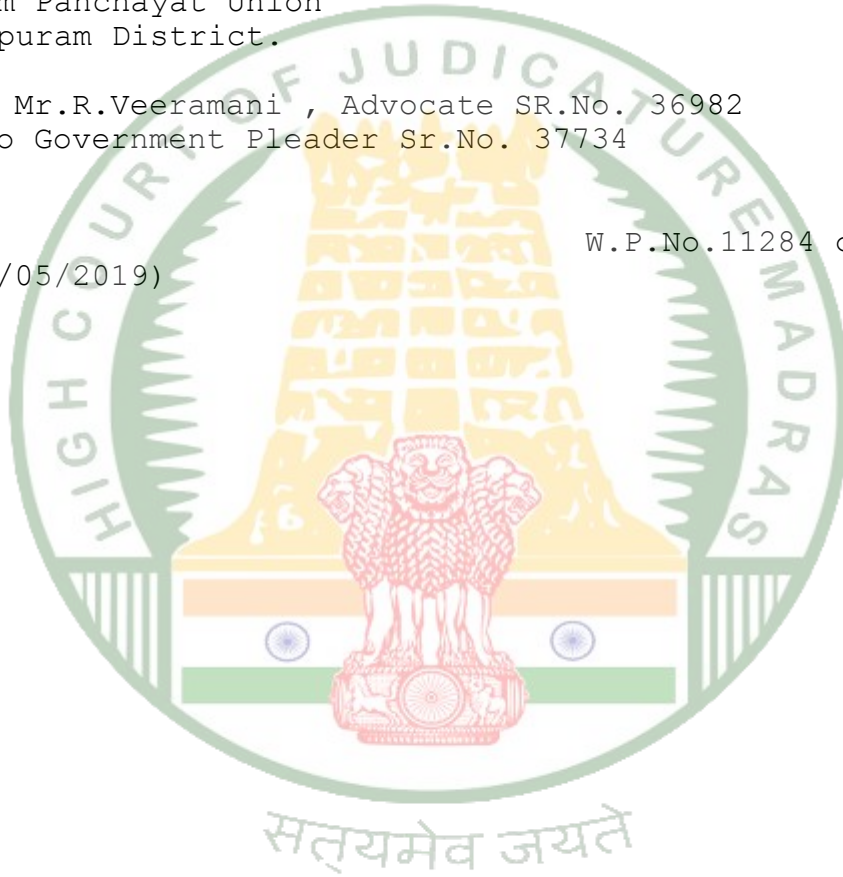
- 1.The Secretary,
Government of Tamil Nadu
Department of Rural Development and Panchayat Raj
Fort St.George, Chennai-9.
- 2.The District Collector, Villupuram District.
- 3.The Block Development Officer
(Village Panchayat)
Mailam Panchayat Union
Villupuram District.

+1cc to Mr.R.Veeramani , Advocate SR.No. 36982

+1 cc to Government Pleader Sr.No. 37734

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A.SK(20/05/2019)



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