

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.13861 of 2019

M.Sekar

.. Petitioner

Vs.

- 1.The State of Tamil Nadu
Rep. by its Principal Secretary
Rural Development and Panchayat Raj Department
Fort St. George
Chennai - 600 009
 - 2.The State of Tamil Nadu
Rep. by its Principal Secretary
Transport Department
Fort St. George
Chennai - 600 009
 - 3.The Director
Rural Development and Panchayat Raj Department
Panagal Building, Chennai - 600 009
 4. The District Collector
Dharmapuri District Collector Office
Dharmapuri - 636 705
 5. The Planning Development Officer
Pennagaram Panchayat Union, Pennagaram
Dharmapuri District
 6. The Thasildhar
Pennagaram Taluk, Pennagaram
Dharmapuri District
 7. The Branch Manager
Tamil Nadu State Road Transport Corporation (Salem) Ltd
Dharmapuri Zone, Salem Road
Bharathipuram, Dharmapuri - 636 705
- .. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, for a Writ of Mandamus directing the respondents to consider the Petitioner's representation dated 27.09.2017 and make road repairing work from the Poochur to Samathal for the Aralkunthi Village, Pennagaram Taluk, Dharmapuri District and operate the bus service to the petitioner village Aralkunthi to the Perumbalai, via Samathal and Pallipatti.

For Petitioner : Mr.R.Chakkaravarthy
For Respondents: Mr.E.Manoharan, Addl.Govt.
Pleader
for R1 to R6

O R D E R
(Order of the court was made by S.MANIKUMAR, J.)

Instant writ petition has been filed to direct the respondents, to consider the petitioner's representation, dated 27.09.2017, with regard to the repair work to be done for the road, from Poochur to Samathal, for Aralkunthi Village, Pennagaram Taluk, Dharmapuri District and to operate bus service from Aralkunthi village to Perumbalai, via Samathal and Pallipatti.

2. Facts of the case in brief is as follows:-

Petitioner is a practicing Advocate, Dharmapuri District. Perumbalai is the main town area. People of Aralkunthi village are depending on Perumbalai town for the School, Hospital, College, employment and market. To go to Perumbalai, people have to travel via Samathal and Pallipatti Villages, which is 9 kms distance or via Poochur and K.Pudur Villages, which is about 21 kms distance. Since no proper bus facility is available, petitioner along with the villagers, gave a representation, dated 10/4/2017, to the District Collector, Dharmapuri District. On 27/9/2017, petitioner has given another representation to the Rural Development and Panchayat Raj Department, Chennai; the District Collector, Dharmapuri District and the Tamil Nadu state Road Transport Corporation (Salem) Ltd., Dharmapuri, respondents 1, 4 and 7 respectively. Again, on 5/10/2017, petitioner has given a representation to the Planning Development Officer, Pennagaram Panchayat Union, Dharmapuri District, fifth respondent. Even the village people have requested the District Collector, Dharmapuri District, the fourth respondent, to repair the road from Aralkunthi Village to Perumbalai and also requested to operate bus service.

3. As there was no reply, petitioner has come forward with the above writ petition praying for the relief as stated supra.

4. Block Development Officer (B.P), Pennagaram, fifth respondent herein has filed a counter affidavit, which reads thus:-

"4. During the year 2010, Branch Manager, Tami Nadu State Road Transport Corporation (Salem) Ltd., Dharmapuri, the 7th respondent, has started a bus service covering villages namely Poochur, Samathal, Perumablai. Perumbalai village, is having Higher Secondary School and Primary Health Centre. Around 3500 residents of the above villages, namely Perumbalai, Bathrahalli and Gendiganahalli Village Panchayats are benefited by this road.

5. The entire stretch of said BT Road was formed from time to time and in a phased manner with the financial support of General Fund of Pennagaram Panchayat Union. Since the road covers Hilly terrain and is adjacent to the forest area, over a period of time it has sustained substantial wear and tear for the past 10 years and is currently damaged due to various factors like torrential rain, landslides etc. By considering the bad condition of BT Road the Bus service has been stopped by the 7th respondent.

6. Petitioner had submitted various representations, including a representation, dated 27.09.2017, to the various authorities and departments, for strengthening the said B T Road. The 5th respondent has also taken various measures for developing and to maintain the road which belongs to the Panchayat Union. A reply was sent to the Petitioner, stating the abovesaid facts and the follow up action, vide, Roc No 12/2018/A5, dated 05.05.2019. Since the Model code of Conduct was existing during the parliamentary election 2019, there was difficulty in sanctioning of the funds and there was no announcement of new schemes/works by the Government of Tamil Nadu in all Districts.

7. Road was maintained by Pennagaram Panchayat Union and since there was no elected representative, the grant aid/funds released to this Panchayat Union was insufficient. Due to the poor financial position of the panchayat Union, a special allotment under budget provision from the Government of Tamil Nadu for the Development of the particular road was sought for.

8. Budget estimate involved is to a tune of Rs. 1.8 Crores for the development of stretch from Poochur - Aralkundhi road. The development work would be possible, on sanction of funds by the Government of Tamil Nadu. Fifth respondent has submitted a proposal to the 4th respondent for work estimated at Rs.1.80 crores.

9. The Deputy Superintendent of Police has no role with regard to development of road. Budget provision/ technical sanction/ administrative sanction involved in that particular road work is not within the purview of the Panchayat Union."

5. Added further, Mr.E.Manoharan, learned Additional Government Pleader, submitted that in as much as finance is involved, suitable orders have to be issued by the Principal Secretary, Rural Development and Panchayat Raj Department, Chennai, first respondent, after getting concurrence from the Finance Department. Learned Additional Government Pleader, further submitted that if sufficient time is given, the proposals would be forwarded to the Government for suitable orders.

6. Heard Mr.Chakkaravarthy, learned counsel for the petitioner and Mr.E.Manoharan, learned Additional Government Pleader for the respondents 1 to 6.

7. From the material on record, it could be seen that the Planning Development Officer, Pennagaram Panchayat Union, Pennagaram, Dharmapuri District, has already taken up the issue of repairing the road and sent proposals to the District Collector, Dharmapuri District, the fourth respondent herein. Submission of the learned Additional Government Pleader makes it clear that the proposals received by the District Collector, Dharmapuri District, fourth respondent, have to be forwarded to the Principal Secretary, Rural Development and Panchayat Raj Department, Chennai, first respondent, which is yet to be done.

From the material on record, it could be seen that, a reply, dated 05.05.2018 has sent to the petitioner setting out the steps taken.

8. Having regard to the averments that there is a substantial wear and tear of the road for the past ten years and that the road is badly damaged due to various factors like torrential rain, landslides etc., and taking note of the need of the public, we direct the District Collector, Dharmapuri District, to forward the proposals, to the Principal Secretary to the Government, Rural Development and Panchayat Raj

Department, Chennai, first respondent, within two weeks, from the date of receipt of a copy of this order. On receipt of the proposals, within a period of four weeks, the Principal Secretary, Rural Development and Panchayat Raj Department, Chennai, first respondent, is directed to pass suitable orders, in accordance with law.

9. With the above directions, instant writ petition is disposed of. No costs.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

mvs/Pkn.

To

1. The Principal Secretary
State of Tamil Nadu
Rural Development and Panchayat Raj Department
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Dharmapuri District.
- +1 CC to Mr.R.Chakkaravarthy, Advocate sr 49832.
+1 CC to Govt. Pleader sr 49833.

W.P.No.13861 of 2019

VGII(CO)
SP(25/07/2019)