

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2019

C O R A M

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

W.P.No.43413 of 2016

S.Ramasamy
S/o.Shanmugam

...

Petitioner

Vs

1.The Government of Tamil Nadu
Represented by its Secretary
Department of Rural Development and Panchayat Raj
Fort St.George, Secretariat
Chennai-600 009.

2.The District Collector
Cuddalore
Cuddalore District - 607 001.

3.The Assistant Director of Panchayats
Vridhachalam
Cuddalore District - 606 001.

4.The Block Development Officer
Panchayat Union Nallur
Tittakudi Taluk
Cuddalore District.

5.S.Jegan

6.The Tamil Nadu Generation and
Distribution and Corporation Ltd.,
Rep. by its Superintending Engineer
TANGEDCO/CEDC/Capper Hills
Cuddalore - 607 004.

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Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of mandamus to direct the 2nd respondent to take action against the erring officials and recover the revenue from them in view of letter Na.Ka.No.A1/2490/2013 dated 23.05.2016.

For Petitioner ...Mr.G.J.Bhaskarnaraynan

For Respondents ...Mr.Arul Akbar Ali
Government Advocate
for R1 to R3
Mr.N.Inbanathan for R4
Mr.Rameshwar for R6
R5 - NA

O R D E R

(Order of the Court was made by SUBRAMONIUM PRASAD, J.)

Claiming himself to be a Public Interest Litigant and resident of Vadagarai Village, Konur Post, Panchayat Union Nallur, Titakudi Taluk, Cuddalore District, the petitioner has filed the instant writ petition for issuance of Writ of Mandamus directing the District Collector, Cuddalore to take action against the erring officials and recover revenue from them, vide letter No.Na.Ka.A1/2490/2013 dated 23.05.2016.

2. The petitioner states that the Government of Tamil Nadu has introduced the Tamil Nadu Habitations Improvement Scheme (THAI) in the year 2011-2012. The Government have sanctioned a sum of Rs.6,80,00,00,000/- as fund, for the THAI Scheme. By G.O.(Ms)No.100, Rural Development and Panchayat Raj (SGS1) Department dated 02.12.2011, the Government have issued guidelines for availing the facility of water supply, street lights, roads, burial grounds, pathway to burial ground, School infrastructure, Public Distribution shops, Anganwadi Centers etc., It is stated that during the year 2012-2013, the Government have sanctioned a sum of Rs.7,50,00,00,000/- as fund for the THAI Scheme, by issuing G.O.(Ms) No.90, Rural Development and Panchayat Raj (SGS1) Department dated 24.09.2012.

3. The petitioner states that the Village wherefrom he hails and residing, is a economically backward Village and that THAI scheme was implemented in the said Village for the upliftment of the habitants of the Village and to upgrade the standards of the people living in the Village. The petitioner further states that though substantial amount of money has been granted for the purpose of burial grounds in Vadakarai Village, to lay roads to Vadakarai colony, to clean ponds at Vadakarai Nandhimangalam Village, to lay roads at Vadakarai Ragupathy road, Cuddalore, the said Schemes have not been implemented. It is alleged that this is rampant corruption by the Block Development Officer, Nallur, one Mr.Jegan, the former President, Vadakarai Panchayat and the officials of TANGEDCO. It is alleged that no one is

taking any steps to ensure implementation of the schemes and to curb the rampant corruption. The petitioner states that the Block Development Officer, Panchayat Union had written a letter to the former President, Panchayat Board Vadakarai, seeking discrepancies found, during the inspection held on 07.01.2016. However, the discrepancies have not been explained. The petitioner filed the instant writ petition seeking mandamus to the District Collector/second respondent to take action against the Block Development Officer/fourth respondent, former President/fifth respondent and the officials of the TANGEDCO.

4. The fourth respondent/Block Development Officer, Panchayat Union Nallur, has filed a counter affidavit regarding the works concerned. It is stated that the total estimate was Rs.10 Lakhs. It is further stated that the work of construction road was executed during the year 2012-2013 and the total expenditure came to about Rs.9,99,969/-. It is further stated that the works were executed after installing a sign-board at the site of the road so as to make the public know the execution of the work. It is further stated that the works were duly measured by the Assistant Executive Engineer (Rural Development) and counter check was done by the Assistant Executive Engineer (Rural Development). It is further stated that the payment for the works done was made after satisfying that the work had been properly executed. Regarding the remaining works, it is stated that they were executed under "Mahatma Gandhi National Rural Employment Guarantee Act" as per norms laid down by the Government of India. It is further stated that the works were executed by employing the Villagers on daily wage basis. It is stated that the value of the works was assessed by the technical officers viz., "Union Overseer" and "Assistant Engineer (Rural Development)" under the direct supervision of the President of Vadakarai Village Panchayat. It is further stated that the entire works have been executed and this writ petition has become infructuous.

5. Heard the learned counsel for the petitioner, the learned Government Advocate appearing for the respondents 1 to 3, the learned counsel appearing for the fourth respondent and the learned counsel appearing for the sixth respondent.

6. The learned counsel for the petitioner has filed an additional typed set of papers on 15.02.2017 showing the photographs that the works according to him had not been completed till February 2017. On the other hand, the counter affidavit of the fourth respondent/State Government would show that these works have been completed to the satisfaction of the officials. The petitioner has not substantiated his allegation that the works have not been completed. There is no reason to disbelieve the counter affidavit filed by the fourth respondent.

7. We are not inclined to act as a fact finding authority and conduct an enquiry on the allegations of the petitioner. We accept the counter filed by the fourth respondent. We do not find any merit in the writ petition. We also accept the contention of the fourth respondent that this writ petition has become infructuous and the works, which are alleged not to have been completed, in fact, had been executed. Accordingly, this Writ Petition fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary
Department of Rural Development and Panchayat Raj
Fort St.George, Secretariat
Chennai-600 009.
- 2.The District Collector
Cuddalore
Cuddalore District - 607 001.
- 3.The Assistant Director of Panchayats
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- 5.The Superintending Engineer
Tamil Nadu Generation and
Distribution and Corporation Ltd.,
TANGEDCO/CEDC/Capper Hills
Cuddalore - 607 004.

+1cc to Mr.M.Varun Kumar, Advocate SR.63772
+1cc to the Govt Pleader, SR.63405

NMI (CO)
CB(10/09/2019)

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