



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.16966 of 2019

Maranthai Kanmoi Ayakattutharargal
Vivasaya Nala Sangam,
Rep. by its Secretary,
Karuppaiah

.. Petitioner

Vs.

- 1.The District Collector,
Collectorate Building,
Ramanathapuram.
- 2.The Executive Engineer,
Public Works Department (PWD),
Gundar Basin Division,
Tallakulam, Madurai - 625 002.
- 3.The Assistant Engineer,
O/o. the Assistant Engineer,
PWD Gundar Basin Division, Mudhukulathur,
Ramanathapuram District.
- 4.The Joint Registrar,
O/o. the Joint Registrar,
Ramanathapuram.
- 5.The Village Administrative Officer,
Maranthai Village,
Maranthai Post, Kadaladi Taluk,
Ramanathapuram District.
- 6.Maranthai Periya Kanmoi Ayakattutharagal Sangam,
Rep. by its President,
Jeganathan,

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the second respondent to allot the Maramathu Works of Maranthai Kanmoi, by Sangam namely, Maranthai Kanmoi Ayakattutharargal Vivasaya Nala Sangam, on the basis of the petitioner's representation dated 22.07.2019.

For Petitioner

: Mr.S.Radhakrishnan

<https://hcservices.ecourts.gov.in/hcservices/>



For R1 to R5

: Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader

ORDER

The prayer sought for in this Writ Petition is, to direct the second respondent to allot the Maramathu Works of Maranthai Kanmoi, by Sangam namely, Maranthai Kanmoi Ayakattutharargal Vivasaya Nala Sangam, on the basis of the petitioner's representation dated 22.07.2019.

2.Heard Mr.S.Radhakrishnan, learned counsel appearing for the petitioner and Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader appearing for the respondents 1 to 5.

3.The Government has sanctioned 75 Kudimaramath works for the year 2019-20 in Gundar Basin Division, Madurai, and in which, 28 works have been allotted to Ramanathapuram District, in G.O.(Ms) No.58, Public Works (W2) Department, dated 13.06.2019. According to the scheme, the Kudimaramath work has to be undertaken by the Farmers Association, duly registered in that locality.

4.Accordingly, Maranthai Kanmoi, i.e., big tank of Maranthai Village at Ramanathapuram District, is one of the Tanks to be desilted, for which, financial sanction has been given by the Government.

5.In this regard, the petitioner submitted that, their Sangam is having all the Ayacutdars as their Members. Therefore, the work should be entrusted to them. Accordingly, the Writ Petition has been filed.

6.However, today, on instructions, the learned Additional Government Pleader, has submitted that, one Maranthai Periya Kanmoi Ayakattutharargal Sangam was registered on 17.06.2019 and in that Sangam, more than 50% of the Pattathars became the members and in this regard, 258 members out of 505 Pattathars, have enrolled and a Certificate to that effect has been given by the concerned Village Administrative Officer. Therefore, considering the majority of the Pattathars became members and his Sangam is having more than 50% of the Pattathars as members, the respondents entrusted the work to them and accordingly, the work has already been commenced on 15.07.2019. In this regard, the letter issued by the Executive Engineer, WRD, Gundar Basin Division, Madurai, to the learned Special Government Pleader, in Letter No.DB/JD02/F.25/2019, dated 01.08.2019, state the following:-

'4.Based on that Thiru.Jeganathan, S/o.Muthu Thevar has been elected as President for Maranthai Periya Kanmoi Ayacutthararkal Sangam and registered in District Registrar (Admin) Office, Ramanathapuram, in SRG/Ramanathapuram/84/2019 on 17.06.2019.



5.Further he has obtained 51% members support out of Pattathars in that Maranthai Village and Village Administrative Officers has given certificates duly authorizing the association and certified that 258 members out of 505 pattathars have been enrolled in this association i.e., 52% certificate dated 10.07.2019 is enclosed.

6.The above work has been commenced on 15.7.19 by this association and work is in progress.''

7.I have gone through the averments made in the said letter referred to above and also heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 1 to 5.

8.Even though the petitioner is also a beneficiary of the Sangam in that locality, if at all the work is entrusted to any third party or group of persons, the petitioner may not have any grievance. However, what has been done in this regard by the respondents is that, they entrusted the work to the registered Sangam of Maranthai Periya Kanmoi Ayakattutharargal Sangam, where more than 50% Pattathars became Members and therefore, we cannot find fault with the action on the part of the respondents to entrust the said work to the said Sangam, which commenced the work as early as on 15.07.2019.

9.In that view of the matter, no relief can be granted to the writ petitioner as prayed for in this Writ Petition. Hence, this Writ Petition is dismissed. No costs.

Sd/-

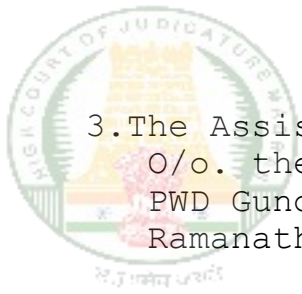
Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The District Collector,
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Ramanathapuram.
- 2.The Executive Engineer,
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Maranthai Post, Kadaladi Taluk,
Ramanathapuram District.

+1 CC to M/s.S.RADHA KRISHNAN, Advocate (SR-79265[F] dated
01/08/2019)

+1 CC to M/s.SPL GP (SR-79476[F] dated 02/08/2019)

W.P. (MD) No.16966 of 2019

KK/SAR/22.08.2019/4P-8C/