



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2019

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.P. (MD) No.19952 of 2019

and

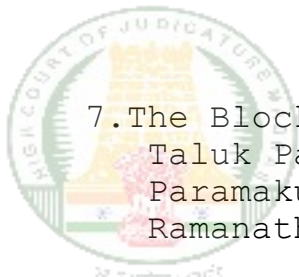
W.M.P. (MD) No.16458 of 2019

K.Ganesan

... Petitioner

-vs-

- 1.The Principal Secretary
Rural Development & Panchayat
Secretariat
Chennai
- 2.The Director
Rural Development & Panchayat Raj
Panagal Maligai
Saidapet
Chennai
- 3.The District Collector
Ramanathapuram District
Ramanathapuram
- 4.The Joint Director / Project Officer
District Rural Development Agency
Office of the District Collector
Ramanathapuram District
- 5.The Executive Engineer
District Rural Development Agency
Office of the District Collector
Ramanathapuram
- 6.The Block Development Officer
Village Panchayat
Paramakudi Post
Ramanathapuram District



7.The Block Development Officer
Taluk Panchayat
Paramakudi Panchayat Union
Ramanathapuram District

8.Natarajan

9.Selvaraj

10.Meenakshi Sundaram

11.Kathiravan

12.Murugan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus by directing the respondent Nos.1 to 7 to cancel the allotment of works being carried by the respondent Nos.8 to 12 in the name of "Kudimaramathu" at Keelaparuthiyur Village, Serumankulam Minor Irrigation Tank, Keelaparuthiyur Pillayaraendhal Oorani and Keelaparuthiyur Pulavarvelankudi Village Oorani and consequently direct the respondent Nos.1 to 7 to entrust the same to the competent agency as enshrined in G.O.(Ms) No.96, Rural Development and Panchayat Raj (CGS.1) Department dated 26.07.2019 and further direct them to ensure that those works are being completed within a time bound manner as stipulated by this Court.

For Petitioner : Mr.R.Anand

For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader for R1 to R5
Mr.V.Anand
Government Advocate for R6 & R7

O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.R.Anand, learned counsel appearing for the writ petitioner, Mr.A.Muthukaruppan, learned Additional Government Pleader, who accepts notice for the respondents 1 to 5 and Mr.V.Anand, learned Government Advocate, who accepts notice for the respondents 6 and 7.

2. In view of the order we propose to pass in this writ petition, notice to the respondents 8 to 12 is dispensed with.

3. With the consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.



4. By this writ petition designed as public interest litigation, the writ petitioner seeks to cancel the work allotted to the respondents 8 to 12 for the purpose of carrying out "Kudimaramathu" at Keelaparuthiyur Village, Serumankulam Minor Irrigation Tank, Keelaparuthiyur Pillayaraendhal Oorani and Keelaparuthiyur Pulavarvelankudi Village Oorani.

5. The learned counsel appearing for the writ petitioner submitted that there are sufficient guidelines issued by the Government in the form of orders, where desilting work and cleaning work should be entrusted to the local Ayakattudars and in violation of the same, certain third parties, namely, respondents 8 to 12, have been granted permission to carry out Kudimaramathu. The reason for entrusting the work to the local Ayakattudars is to ensure that the work is not only carried out in an efficient manner, but also to prevent any illegal transportation of sand etc. It appears to be precisely on the apprehension and fear of the writ petitioner, representations have been given.

6. The learned Additional Government Pleader appearing for the respondents 1 to 5 submitted that the work has been entrusted and more than 60% of the work has already been completed.

7. In the light of the above, this Court is of the considered view that at this juncture, it would not be proper to cancel the allotment of work for being redone by the local Ayakattudars. However, if any work is not allotted, then the above aspect shall be considered and the work shall be allotted to the local Ayakattudars by following the appropriate guidelines framed by the Government. It is needless to state that the Authority should check as to whether there is any illegal transportation of sand from the irrigation lands.

8. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

To:

1. The Principal Secretary,
Rural Development & Panchayat,
Secretariat,
Chennai.

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



- 2.The Director,
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+1 CC to M/s.SPL GP (SR-87551[F] dated 18/09/2019)

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and

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KRK
MS/03.10.2019/4P.8C