

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.07.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.24633 of 2013
& M.P.No.1 of 2013
(Heard through VC)

S.Leelavathi

.. Petitioner

-vs-

1.The District Collector of Nilgiris,
Uthagamandalam, Nilgiris.

2.The Additional Collector (Development),
Uthagamandalam, Nilgiris.

3.Block Development Officer,
Block Development Office,
Coonoor, Nilgiris.

4.The President,
Parliyar Panchayat, Coonoor,
Nilgiris.

.. Respondents

* * *

Prayer: Petition filed under Article 227 of Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to make the payment of entire amount as per the present increased rates under the Indira Awaas Yojana Scheme along with entire materials as per the work order issued by the 4th respondent based on the proceedings No.A4/942/2011, dated nil of the 2nd respondent.

* * *

For Petitioner : Mr.V.Ravi

For RR1 to 3 : Mr.R.S.Selvam
Government Advocate

For R4 : No appearance

O R D E R

This writ petition has been filed for issuance of Writ of Mandamus directing the 1st respondent to make the payment of entire amount as per the present increased rates under the Indira Awaas Yojana Scheme along with entire materials as per the work order issued by the 4th respondent based on the proceedings No.A4/942/2011, dated nil of the 2nd respondent.

2. The petitioner's husband is a handicapped person, who owned land to the extent of nearly 4 cents in R.S.No.22/2 at Barliar Village in Nilgiris District. Under the Indra Awaas Yojana Housing Scheme (IAY) proposed by the Central Government and implemented with a part of the finance of the State Government for the downtrodden people, the petitioner was selected as the beneficiary. As per the proceedings dated 19.11.2011, she was given a work order, as per which, she is entitled to a sum of Rs.1,00,000/- for construction of a house and the construction has to be commenced within 15 days, failing which, the work order will be cancelled.

3. The learned counsel appearing for the petitioner states that the petitioner had laid foundation and raised four columns of concrete pillars. The second respondent has given the work order of sanction in the village meeting held on 26.01.2010 and not made the payment of the amount and materials were also not supplied. Hence, the petitioner has filed this writ petition seeking a direction to the first respondent to make the payment of entire amount as per the present increased rates under the Indira Awaas Yojana Scheme.

4. The first respondent - District Collector, has filed a counter-affidavit stating that as per the stipulated condition of the scheme, the construction ought to have been commenced within 15 days and it should be completed within three months from the date of receipt of the work order. It is also stated that the periodical inspection was conducted by the respondent and it was found that the petitioner had not completed the periodical work as per the terms and conditions of the scheme, and thus it ordered to drop the beneficiaries listed and revised administrative sanction was accorded for the beneficiaries and accordingly, the earlier order was cancelled against the petitioner on 18.06.2012 and alternative beneficiary was selected instead of the petitioner in order to complete the work within the stipulated time.

5. Heard the learned Government Advocate on the submissions of the learned counsel for the petitioner and perused the materials available on record.

6. Though it is stated in paragraph 6 of the counter affidavit that the periodical inspection was conducted by the respondent and it was found that the petitioner had not completed the periodical work as per the terms and conditions of the scheme, there is no material filed along with the counter to show that such exercise was taken up. However, in Para 7 it is stated that Project Director, DRDA, Nilgiris, vide proceedings in Pro.No.A4/942/2011 dated 06.01.2012, ordered to drop the beneficiaries listed and revised administrative sanction accorded for the beneficiaries. Accordingly, it is specifically stated that earlier order was cancelled against the petitioner on 18.06.2012 and alternative beneficiary was selected instead of the petitioner in order to complete the work within the stipulated time. Once again in support of the allegations, no scrape of paper is produced before this Court.

7. The scheme also provides for stages of construction. As per the funding guidelines, it has to be co-shared between the Government of India and the State Government in the ratio 75:25. Chapter IV of the Guidelines deals with Criteria for Allocation of Release of Funds. It is stated that the first installment amounting to 50% of the total allocation for a particular District is released in the beginning of the financial year and the payment to beneficiaries are set out in Class 4.10, as per which, the payment should be made to the beneficiary on a staggered basis depending on the progress of the work. The entire money should not be paid to the beneficiary in a lump sum. Installments of payment to be linked to the progress of work can be decided by the State Government or at the District level.

8. In this case, in the work order, it is specifically stated that for construction of 'Kachha Veedu', the sum allotted is Rs.1,00,000/-. It is stated by the learned counsel for the petitioner that though the respondents had issued the work order as early as on 19.11.2011, admittedly, the first installment did not accompany the said order. As the required funds for construction was not released on time, the petitioner herself had completed the basement and raised 4 columns. As she could not proceed further with the construction, she has moved this Court for a mandamus directing the first respondent to pay the entire amount as per the scheme.

9. As the guidelines given under the scheme had not been followed in its letter and spirit, the petitioner is entitled to get the relief as sought for. Admittedly, the petitioner was selected only by the respondents as an eligible beneficiary. The petitioner has also completed the construction within 15 days as per the conditions of the Work Order, but, without any verification and application of mind, the Work Order has been abruptly cancelled by the respondents, as stated in the counter affidavit and the same has not been communicated to the petitioner or produced before this Court till today.

10. As owning a house is a fundamental human need and as the affordability of the individual is a challenge, such a scheme has been introduced by the Government. But the attitude of the respondents would not only defeat the spirit of the scheme, but also, deprive the benefit of the same for the petitioner.

11. In the light of the above facts and discussion, the respondents are directed to inspect the property, on which the construction has to be done and to release the funds, enabling the petitioner to complete the construction. If the construction is to be completed within a period of three months, the respondents may follow track of the same from the date of release of funds. The first respondent is directed to release the funds within a period of four weeks from the date of receipt of a copy of this order and from the date of release of the funds, the petitioner is directed to complete the construction within a period of three months.

12. With the above directions, the writ petition is ordered. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
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Assistant Registrar

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Sub-Assistant Registrar

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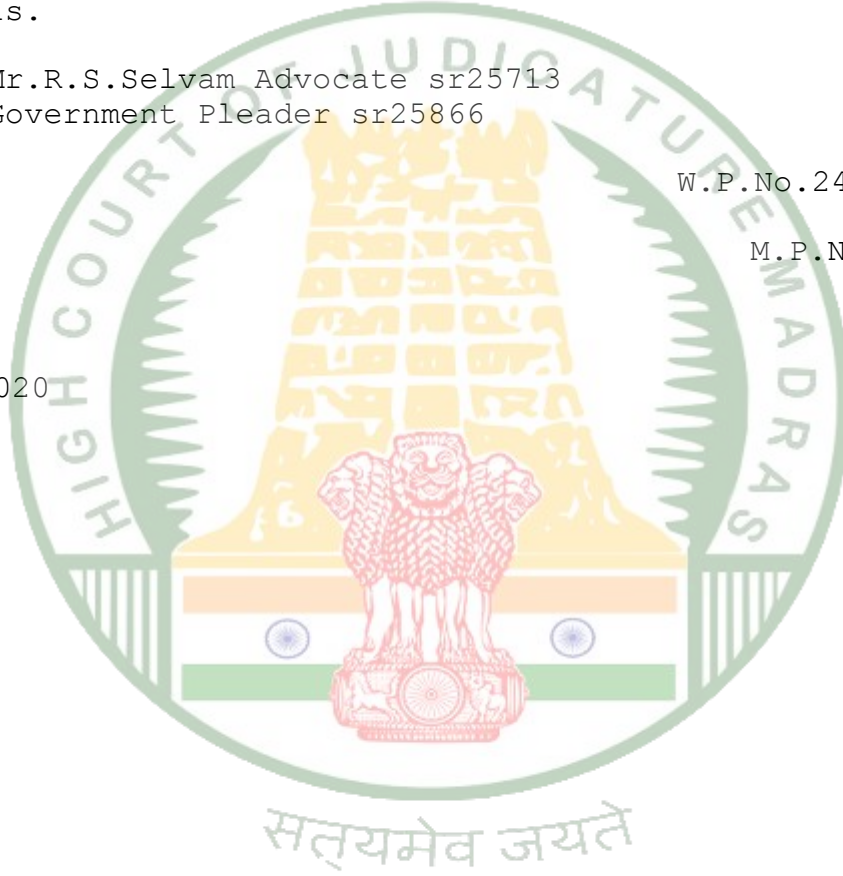
To

- 1.The District Collector of Nilgiris,
Uthagamandalam, Nilgiris.
- 2.The Additional Collector (Development),
Uthagamandalam, Nilgiris.
- 3.The Block Development Officer,
Block Development Office,
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- 4.The President,
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Nilgiris.

+1 cc to Mr.R.S.Selvam Advocate sr25713
+1 cc to Government Pleader sr25866

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