

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.16611 of 2020
and WMP. No.20606 of 2020

N.Indra Nagarajan

...Petitioner

Vs.

1. The Director of Rural Development & Panchayat Raj,
Panagal Maaligai, Saidapet, Chennai-15.

2. The District Collector cum
District Rural Development Agency,
Krishnagiri District, Krishnagiri.

3. The Project Director,
District Rural Development Agency (DRDA)
Krishnagiri District, Krishnagiri.

4. The Assistant Director of Panchayats,
Krishnagiri.

5. The Block Development Officer,
Veppanapalli Panchayat Union,
Veppanapalli, Krishnagiri District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, forbearing the respondents 2 to 5 herein from processing, conducting or finalizing any tenders in any form relating to any works including the work of Upgradation of roads in Nachikuppam Village Panchayat, Veppanapalli Panchayat Union, Krishnagiri District as proposed by the 5th respondent Unilaterally by utilizing the available funds from and out of fifteen Finance Commission (FFC) without any resolution and approval of the Village Panchayat.

For Petitioner : Mr. R.Thamaraiselvan

For Respondents : Mr.V.Jayaprakash Narayanan
State Government Pleader

O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus, forbearing the respondents from processing, conducting or finalizing any tenders without consulting the elected body while utilizing the available funds from the Fifteen Finance Commission (FFC).

2. Heard Mr.R.Thamaraiselvan, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned State Government Pleader appearing on behalf of respondents.

3. This Court has already laid down the law on the very same issue in a batch of writ petitions in W.P.No.14020 of 2020 etc.

4. The present writ petition has been filed merely based on apprehensions. There are absolutely no materials to show that the respondents are proceeding further to utilise the funds allotted through the Fifteen Finance Commission without consulting the elected body. Since this Court has already settled the law on this issue, this Court expects the respondents to proceed further with any work in accordance with the law laid down by this Court. The petitioner cannot assume or presume that the respondents are going to proceed further to carry on with the work in the panchayat union without the concurrence of the elected body.

5. A writ petition can never be entertained merely based on apprehensions unless there are materials to support such an apprehension entertained by the petitioner.

6. This Court does not find any ground to entertain this writ petition and accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy//

Sub Assistant Registrar

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To

1. The Director of Rural Development & Panchayat Raj,
Panagal Maaligai, Saidapet, Chennai-15.

2. The District Collector cum
District Rural Development Agency,
Krishnagiri District, Krishnagiri.

3. The Project Director,
District Rural Development Agency (DRDA)
Krishnagiri District, Krishnagiri.

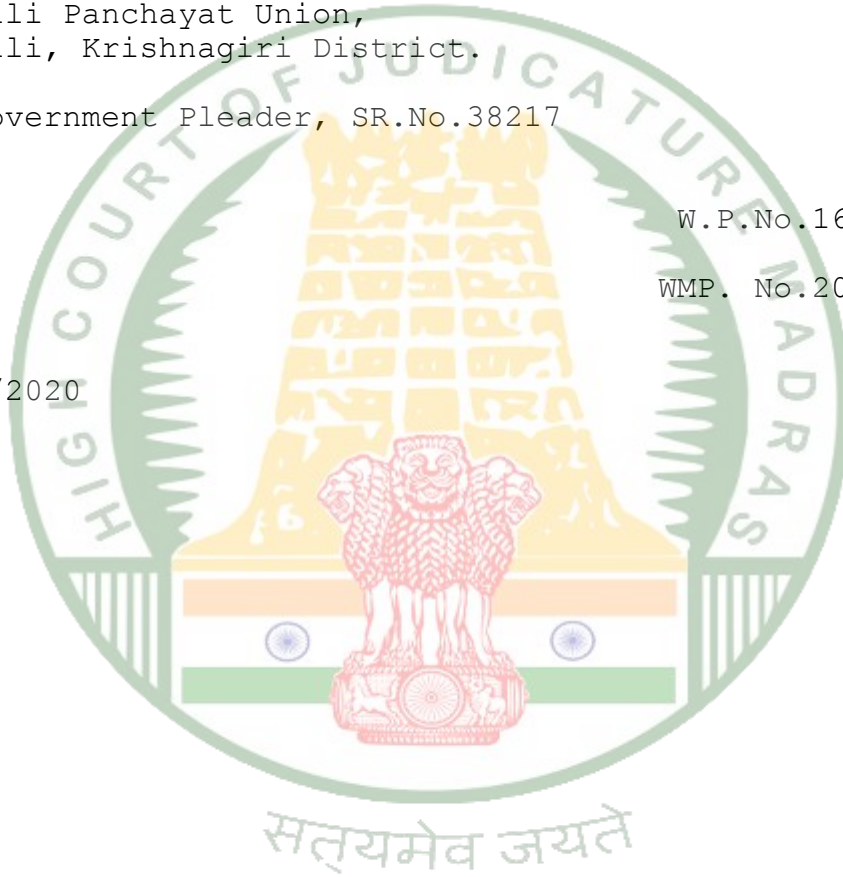
4. The Assistant Director of Panchayats,
Krishnagiri.

5. The Block Development Officer,
Veppanapalli Panchayat Union,
Veppanapalli, Krishnagiri District.

+1cc to Government Pleader, SR.No.38217

W.P.No.16611 of 2020
and
WMP. No.20606 of 2020

CP(CO)
KKV/14/12/2020



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