



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P(MD) .Nos.8929, 9415, 9545 and 9554 of 2020

and

W.M.P. (MD) .Nos.8167, 8542, 8600, 8601, 8603, 8610 &
8611 of 2020

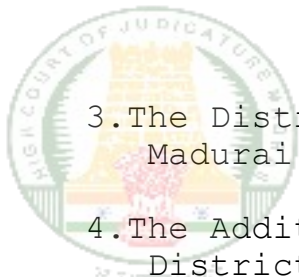
in W.P. (MD) .No.8929 of 2020 :

- 1.P.Kaliyuganathan
- 2.P.Maheswari Pandian
- 3.T.Tamizhselvi Tamizharasan
- 4.E.Pandeeswari Elangovan
- 5.R.Selvarani Ravi
- 6.P.Pongondi Pandi
- 7.S.Muruganandam
- 8.V.K.P.Ganapathy
- 9.M.Kasinathan
- 10.S.Jeya
- 11.P.Anitha
- 12.R.Saranya
- 13.T.Pandi
- 14.M.Jeyanthi
- 15.R.Thirupathi
- 16.P.Priya
- 17.R.Vanitha
- 18.P.Ganesan
- 19.S.Jothimani
- 20.A.Mayandi
- 21.A.Maharajan
- 22.R.Devi
- 23.K.Kasimayan
- 24.S.Jensirani
- 25.E.P.V.Jeyaraman
- 26.M.Rajadurai
- 27.M.Rajeswari
- 28.M.Vellaiammal
- 29.O.Perumal

.. Petitioners

Vs.

- 1.State of Tamil Nadu,
Rep. by its Principal Secretary to the Government,
Department of Rural Development and Panchayat Raj,
Fort St. George, Chennai - 9.
- 2.The Director of Rural Development and Panchayat Raj,
Panagal Maligai, Chennai.



3.The District Collector,
Madurai District, Madurai.

4.The Additional Collector/Project Director,
District Rural Development Agency,
Madurai.

5.The Block Development Officer,
Chellampatti Union, Madurai District.

.. Respondents

PRAYER: Writ Petitions are filed under Article 226 of Constitution of India for issuance of Writ of Mandamus forbearing the respondents No.3 to 5 from conducting the packaging tender in respect of the funds allocated under the 14th and 15th Finance Commission to carry out all the basic works in the Village panchayats by way of usurping the tender inviting powers of the petitioners and consequently for a direction, directing the respondents to restore the power of the petitioners in inviting tenders in respect of the basic works to be carried out in the Village Panchayat in accordance with the provisions of the Tamil Nadu Panchayat Act, 1994 and the Rule 8 and 14 of the Tamil Nadu Panchayats (Preparation of Plans and Estimates for Works and Mode and Conditions of Contracts) Rules, 1998, within the time period stipulated by this Court.

For Petitioners

: Mr.T.Lajapathi Roy

For Respondents

: Mr.K.Chellapandian
Additional Advocate General
assisted by
Mr.S.Angappan,
Government Advocate

in W.P. (MD) .No.9415 of 2020 :

1.Manonmani
2.Vijaya Arumugam
3.Muthiah

... Petitioners

Vs.

1.State of Tamil Nadu,
Rep. by its Principal Secretary to the Government,
Department of Rural Development and Panchayat Raj,
Fort St. George, Chennai - 9.

2.The Director of Rural Development and Panchayat Raj,
Panagal Maligai, Chennai.

3.The District Collector,
Office of the District Collector,
Sivagangai District.



4.The Project Director,
(Assistant Revenue Development Authority)
Sivagangai, Sivagangai District.

5.The Block Development Officer,
Thiruppuvanam Union, Thiruppuvanam,
Sivagangai District.

... Respondents

PRAYER: Writ Petitions are filed under Article 226 of Constitution of India for issuance of Writ of Mandamus forbearing the respondents 3 to 5 herein from conducting the packaging tender in respect of the funds allocated under the 14th and 15th Finance Commission to carry out all the basic works in the village panchayats by way of usurping the tender inviting powers of the petitioners and consequently for a direction directing the respondents herein to restore the power of the petitioners in inviting tenders in respect of the basic works to be carried out in the Village Panchayat in accordance with the provisions of the Tamil Nadu Panchayat Act 1994 and the Rule 8 and 14 of the Tamil Nadu Panchayats (Preparation of Plans and Estimates for works and Mode and Conditions of Contracts) Rules 1998 within the time period stipulated by this Court.

For Petitioners : Mr.V.Malaiyendran

For Respondents : Mr.K.Chellapandian
Additional Advocate General
assisted by
Mr.P.Mahendran
Additional Government Pleader

in W.P. (MD) .No.9545 of 2020 :

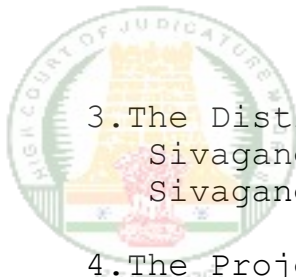
Sivagangai District All Village Panchayat
Presidents Welfare Association,
registered under Regn. No.100/2020,
Represented by its District Deputy President,
K.Murgesan, S/o Karthik,
6561, Keelamelkudi Road,
Anandavalli Amman Nagar,
Manamadurai, Sivagangai.

... Petitioner/Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by its Secretary to the Government,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai - 9.

2.The Director of Rural Development and Panchayat Raj,
Panagal Maligai, Saidapet, Chennai.



3.The District Collector cum DRDA,
Sivagangai District, District Collectorate,
Sivagangai.

4.The Project Director,
DRDA, Sivagangai District, Sivagangai.

5.The Assistant Director of Village Panchayat,
Sivagangai District, Sivagangai.

.. Respondents

PRAYER: Writ Petitions are filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the second respondent in Letter No.57779/2019/TU1 dated 05.11.2019 and 17.06.2020 and quash the same and consequently directing the respondents to permit the Village panchayat to utilize the funds of the 14th Central Finance Commission as per the panchayat act by utilizing the said funds as per G.O.Ms.No.107 without intervention from the respondents 4 and 5.

For Petitioner : Mr.Veerakathiravan,
Senior counsel for
M/s.Veera Associates

For Respondents : Mr.K.Chellapandian
Additional Advocate General
assisted by
Mr.P.Mahendran
Additional Government Pleader

in W.P. (MD) .No.9554 of 2020 :

RM.Manikandan

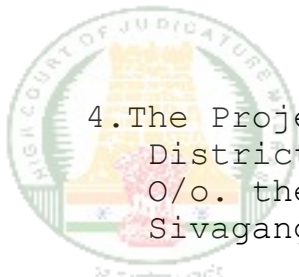
... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by its Secretary to the Government,
Rural Development and
Panchayat Raj Department,
Fort St. George, Chennai - 9.

2.The Director of Rural Development
and Panchayat Raj,
Panagal Maligai, Saidapet, Chennai.

3.The District Collector,
Sivagangai,
Sivagangai District.



4.The Project Director,
District Rural Development Agency,
O/o. the Project Director Officer,
Sivagangai, Sivagangai District.

5.The Block Development Officer,
O/o. The Block Development Office,
Nalukottai Village Panchayat,
Sivagangai Union,
Sivagangai District.

... Respondents

PRAYER: Writ Petitions are filed under Article 226 of Constitution of India for issuance of Writ of Certiorari calling for the records relating to the impugned tender notification issued by the 4th respondent in "Makkal Kural" Daily News Paper in his proceedings No.செ.ம.தொ.இ2904/ஒப்பந்தப்புள்ளி/2020 dated 03.08.2020 and quash the same as illegal.

For Petitioner : Mr.M.Ajmal Khan
Senior counsel for
M/s.Ajmal Associates

For Respondents : Mr.K.Chellapandian for R1 to R4
Additional Advocate General
assisted by
Mr.P.Mahendran
Additional Government Pleader

Mr.K.P.Narayanakumar for R5
Special Government Pleader

COMMON ORDER

Heard the learned Senior counsel for the writ petitioners and the learned Additional Advocate General for the respondents.

2.These writ petitions pertain to two districts, namely, Madurai and Sivagangai. The writ petitioners are the elected Presidents of the various Village Panchayats. They are aggrieved by the move of the respondents in inviting tenders for carrying out certain road works. The Project Officers of District Rural Development Agency are the Tender Inviting Authorities and the District Collectors as the Chairmen are the Tender Accepting Authorities. While the prayer in W.P.(MD).No.8929 of 2020 and 9415 of 2020 is for issuing a Writ of Mandamus directing the authorities to restore the power of the writ petitioners in the entire process, the relief sought for in the other writ petitions is for striking down the notifications issued by the Tender Inviting Authority. The notifications had been issued in terms of the communications dated 05.11.2019 and 17.06.2020 addressed by the Director of Rural



Development and Panchayat Raj, Chennai. The learned Senior counsel and counsel appearing for the writ petitioners reiterated all the contentions set out in the affidavits filed in support of the respective writ petitions.

3.The respondents have filed a detailed counter affidavit in W.P. (MD).No.8929 of 2020 and a comprehensive typed set of papers. The learned Additional Advocate General took me through the said materials and reiterated the contentions projected therein.

4.The submission of the learned Additional Advocate General is that I should not assume that something novel has happened. He points out that the impugned action is very much in line with the exercises undertaken during the earlier years. The respondents had enclosed the communications of the Commissioner of Rural Development and Panchayat Raj, Chennai issued for the earlier years. For instance, in the D.O. Letter dated 10.11.2011 issued by the Commissioner of Rural Development and Panchayat Raj, for the year 2011-2012, it has been mentioned that the Project Officer, DRDA shall be the Tender Inviting Authority and the District Collector/Chairman of DRDA would be the Tender Accepting Authority. This has been reiterated in all the subsequent communications.

5.The cases on hand relate to the utilisation of the grant made available by the 14th Central Finance Commission. The learned Additional Advocate General was at pains to point out that while Section 110 of the Tamil Nadu Panchayat Act had cast certain duties on the Village Panchayat to provide for certain matters, it is very much subject to the provisions of the Act and the rules made thereunder and also subject to the availability of the funds. He also would contend that in matters such as this, it is very much necessary to have a centralised approach. This is because the works in question essentially involve either laying or improving the interlinking roads which have overlapping of jurisdiction. Therefore, in the very nature of things, it is only the District Collector who is in a better position to take the call. He also strongly emphasised that at the end of the day what is to be seen is whether public interest has been served or not.

6.He also submitted that the Tender Inviting Authority and the Tender Accepting Authority ought to scrupulously adhere to the provisions set out in Tamil Nadu Transparency in Tenders Act, 1998 and the Rules framed thereunder. He heavily relied on the order dated 10.03.2020 made in W.P.(MD).No.5668 of 2020 etc. batch in which another learned Judge of this Court frowned upon the endeavour by Panchayat Presidents to scuttle similar welfare works. The learned Additional Advocate General took me through the relevant portions of the said order dated 10.03.2020.

7.He also would point out that this Court should go not by <https://hccorres.mca.gov.in/ocservices/> dated 21.09.2017. On the other hand, it is



G.O.Ms.No.108, Rural Development and Panchayat Raj Department, dated 21.09.2017 which is relevant. He pointed out that as per G.O.Ms.No.108, dated 21.09.2017, it is the District Collector who has to accord administrative sanction based on detailed estimates.

8.He also pointed out that Clause 2.6 contemplates entrusting the implementation of works to the District Rural Development Agency. He submitted that the impugned Tender Notification can be faulted only if the petitioners can draw the court's attention to violation of any particular statutory provision. According to him, invocation of abstract doctrines cannot enhance the cause of the writ petitioners.

9.He also would point out that the petitioner in W.P.(MD). No.9545 of 2020 is an association and that in more than one decision, it has been held that writ petition filed by an association is not maintainable. He also contended that when the impugned tender process is flowing from a G.O., in the absence of substantive challenge to the G.O, the writ petitions cannot be maintained. He called for dismissal of these writ petitions.

10.I carefully considered the rival contentions and went through the materials on record.

11.The challenge in W.P.(MD).Nos.9554 and 9545 of 2020 is against the tender notifications issued in respect of Sivagangai Block in Sivagangai District. The tender process pertains to as many as 21 works and it is seen that all the items pertain to road works. While the respondents contend that they are interlinking roads, I find in most of the cases that the proposed road works start and end within particular Panchayat limits. In other words, there is no jurisdictional overlapping. For instance, Sl.No.2 pertains to Idayamelur Panchayat. It is in respect of what is known as Gandhi Nagar Road. The total length for which work is proposed is 0.400 kilometers and the cost estimate is Rs.9.15 lakhs. Mr.T.Lajapathi Roy, learned counsel, who is espousing the cause of Village Panchayat Presidents in Chellampatti Union submits that the road works start and end within the very same panchayat limits and there is absolutely no overlapping of jurisdictional limits. Mr.Malaiyendran, learned counsel appearing for petitioner in W.P. (MD).No.9415 of 2020 states that as far as his case is concerned all the proposed road works start and end within the same Panchayat limit and there is no interlinking.

12.The learned counsel drew my attention to Article 243G of the Constitution. Part IX was introduced into the Constitution by the 73rd amendment w.e.f. 24.04.1993. Article 243B states that there shall be constituted in every State, Panchayats at the village, intermediate and district levels in accordance with the provisions of Part IX. Article 243G reads as follows:



"243G. Powers, authority and responsibilities of Panchayats.-Subject to the provisions of this Constitution, the Legislature of a State may, by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect to-

- (a) the preparation of plans for economic development and social justice;
- (b) the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule."

13.The Tamil Nadu Panchayats Act, 1994 was enacted by repealing the earlier statute so as to give effect to the aforesaid constitutional amendment. Section 110 of the Panchayat Act casts certain duties and functions on the Village Panchayat. Section 110 reads as follows:

"110.Duty of Village Panchayat to provide for certain matters.- Subject to the provisions of this Act and the Rules made thereunder, it shall be the duty of Village Panchayat, within the limits of its funds, to make reasonable provision for carrying out the requirements of the Panchayat Village in respect of the following matters, namely:-

(a) the construction, repair and maintenance of all village roads, that is to say, all public roads in the village (other than those classified as National Highways, State Highways, major district roads and Panchayat Union roads) and of all bridges, culverts, road-dams and causeways on such roads:

1[(aa)] the extension of village-sites and the regulations of building;]

(b) the lighting of public roads and public places in built-up areas;

(c) the construction of drains and the disposal of drainage water and sullage not including sewage;

(d) the cleaning of streets, the removal of rubbish heaps, jungle growth and prickly-pear, the filling in or disused wells, insanitary ponds, pools, ditches, pits or hollows and other improvements of the sanitary condition of the village;

(e) the provision of public latrines and arrangements to cleanse latrines whether public or private;



- (f) the opening and maintenance of burial and burning grounds;
- (g) the sinking and repairing of wells, the excavation, repair and maintenance of ponds or tanks and the construction and maintenance of water-works 2[for the supply of water for drinking, washing] and bathing purposes; and
- (h) such other duties as the Government may, by notification, impose."

Though the learned Additional Advocate General submitted that exercise of such functions and duties is subject to the availability of fund, as rightly pointed out by the learned counsel for the writ petitioners, funds in this case have been made available by the 14th Central Finance Commission. G.O.Ms.No.107, dated 21.09.2017 lays down the guidelines for the utilisation of the 14th Finance Commission grant. It is seen from the said G.O that the Government of India marked an amount of Rs.8777.43 Crores as central finance grant to the States for the year 2015-2016 to 2019-2020. We are concerned with the year 2019-2020. Annexure to the said G.O states that the Government of India has also directed that the Central Finance Commission grants should be released to the Village Panchayats only to enable the delivery of basic services such as water supply, street lights, roads, sanitations etc.,. Clause 3 of the said Annexure reads as follows:

"Identification of the Requirement of Basic Amenities:

As per the recommendations of the Fourteenth Central Finance Commission, Government Vide G.O.(Ms) No.34, Rural Development and Panchayat Raj Department, dated 02.03.2016 have detailed guidelines for the preparation of Village Panchayat Development Plans for comprehensive development of rural areas in Tamil Nadu and to enable grass root level planning, optimal utilization of resources and delivery of basic services effectively.

Every Village Panchayat should prepare the Village Panchayat Development Plan as per the guidelines for taking up works/delivery of services under Fourteenth Finance Commission Grant, Village Panchayat Development\ Plan would comprise of two components, namely, Perspective Plan for a five year period which shall be further broken into Annual Plans. Instruction have been issued vide G.O (Ms) No.108, RD & PR (PR1) Department, dated 24.07.2015 for the preparation of Village Panchayat Development Plan in all the Village Panchayats for 5 year period from the year 2015-16 and to prioritize the requirements for implementation of Fourteenth Commission Grant every year Administrative



sanction for works should be accorded by the District Collector for the yearly allocation on the basis of priority given by the Village Panchayats based on the Annual Plan subject to the type of works suggested in Para 5."

Clause 4 reads as follows:

"Executing Agency for utilization of grants:

Village Panchayat is the only local body which is eligible to get the Grants of 14th Finance Commission. Since Village Panchayat is responsible for provision of basic amenities in rural areas, this amount will be administered by the Village Panchayats and works will be executed by the Village Panchayats. The infrastructure gaps are to be identified in the Village Panchayats as per the participatory planning process in accordance with the guidelines issued for the preparation of Village Panchayat Development Plan and the development works are to be prioritized and shortlisted for the amount available under the 14th Finance Commission Grants by Grama Sabha."

Clause 5.8 reads as under.

"Convergence of other funds/scheme:

- The Village Panchayat can take up works by dovetailing funds under centrally sponsored schemes, State Finance Commission Grant, Assigned Revenue and General Funds of Village Panchayats in addition to the Fourteenth Finance Commission Grants to create/improve infrastructure facilities in rural areas.
- The works/projects can be taken up by dovetailing funds from Capital Grant Fund (CGF) of Fifth State Finance Commission and 14th Central Finance Commission Grant."

Clause 9 reads as follows:

"Placement of work list in the Grama Sabha and approval:

The works shortlisted by the Village Panchayat under the 14th Finance Commission Grants should be placed before the Grama Sabha and got approval before taking it up for execution."

Clause 12 reads as follows.

"Mode of Execution:

The works will be executed by the Village Panchayats through tender as per Tender Transparency Act, 1998 and Rules 2000 and the procedures prescribed in G.O.(Ms) No.203, Rural Development and Panchayat Raj Department, dated 20.12.2007. The Block Development Officer (Village Panchayats) is



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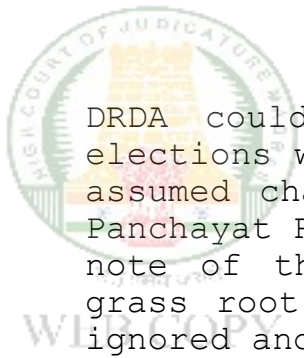
the monitoring officer at Block level and the Project Director, DRDA is the monitoring officer at District level. The Overseer, Assistant Engineer/Junior Engineer, Assistant Executive Engineer and Executive Engineer are responsible for quality of the works. The District Collector is the overall authority for implementation of scheme at District level."

14.The communication dated 05.11.2019 issued by the Director of Rural Development & Panchayat Raj refers to G.O.(Ms)No.34, Rural Development and Panchayat Raj Department, dated 02.03.2016. Of course, in the communication dated 05.11.2019, it is mentioned that the Project Director will be the Tender Inviting Authority and that the District Collector will be the Tender Accepting Authority. Though the learned Additional Advocate General laid considerable stress on this communication, it must be noted that the very validity of this communication along with the subsequent communication dated 17.06.2020 has been specifically put to challenge in W.P.(MD).No.9545 of 2020.

15.The primary question that arises for consideration is whether the total bypassing of the elected local bodies and exclusive conferment of power and authority on the bureaucrats is in consonance with the constitutional scheme as set out in Article 243G of the Constitution of India.

16.The learned counsel have specifically drawn my attention to the 11th Schedule of the Constitution. Entry 13 of the 11th Schedule is specifically about roads, culverts, bridges, ferries, waterways and other means of communication. Article 243G has to be read along with Entry 13 of Schedule 11. There is yet another aspect to be taken note of. As per Section 125 of the Tamil Nadu Panchayats Act, all the public roads in the Village Panchayat vest only in the Panchayat. Of course, roads classified as National Highways or State Highways or Major District Roads or Panchayat Union Roads will not vest with the Village Panchayat. It is not the case of the respondents that the roads in question fall under such exempted categories or that they do not vest in the Village Panchayats. When the roads in question very much vest in the Village Panchayat, I fail to understand as to how works in respect of those roads can be taken up by authorities or agencies by excluding the elected bodies altogether.

17.I find considerable force in the contention of the learned counsel for the writ petitioners that in the State of Tamil Nadu there were no elected local bodies for several years. When the communication dated 05.11.2019 was issued by the Director of Rural Development Panchayat Raj, Chennai, there were no elected local bodies. Therefore, entrustment of authority on the Project Director,



DRDA could be understood. But by the end of 2019, local body elections were conducted and by January 2020, the elected bodies had assumed charge. Therefore, the Director of Rural Development and Panchayat Raj ought to have issued a revised communication by taking note of the subsequent developments that had taken place on the grass root level. It is unfortunate that these have been totally ignored and lost sight of by the respondents.

18.Article 40 of the Constitution of India mandates that the State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government. The Hon'ble Supreme Court in the decision reported in **(2012) 7 SCC 550 (Village Panchayat, Calangute Vs. The Additional Director of Panchayat-II and Ors)** observed as follows :

"21.The Preamble, Part IV and Part IX of the Constitution must guide our understanding of the Panchayati Raj institutions and the role they play in the lives of the people in rural parts of the country. The conceptualization of the Village Panchayat as a unit of self government having the responsibility to promote social justice and economic development and as a representative of the people within its jurisdiction must be borne in mind while interpreting the laws enacted by the State which seek to define the ambit and scope of the powers and the functions of Panchayats at various levels.

22.An analysis of Article 40 and Articles 243 to 243O shows that the framers of the Constitution had envisaged Village Panchayat to be the foundation of the country's political democracy -a decentralized form of Government where each village was to be responsible for its own affairs. By enacting the Constitution (Seventy-third Amendment) Act, Parliament has attempted to remedy the defects and remove the deficiencies of the Panchayati Raj system evolved after independence, which failed to live up to the expectation of the people in rural India. The provisions contained in Part IX provide firm basis for self-governance by the people at the grass root through the institution of Panchayats at different levels. For achieving the objectives enshrined in Part IX of the Constitution, the State Legislatures have enacted laws and made provision for devolution of powers upon and assigned various functions listed in the Eleventh Schedule to the Panchayats. The primary focus of the subjects enumerated in the Eleventh Schedule is on social and economic development of the rural parts of the country by conferring upon the Panchayat the status of a constitutional body. Parliament has ensured that

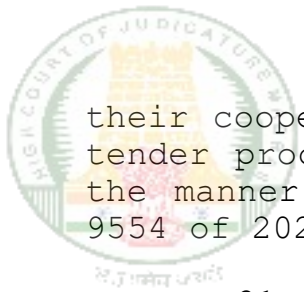


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the Panchayats would no longer perform the role of simply executing the programs and policies evolved by the political executive of the State. By virtue of the provisions contained in Part IX, the Panchayats have been empowered to formulate and implement their own programs of economic development and social justice in tune with their status as the third tier of government which is mandated to represent the interests of the people living within its jurisdiction. The system of Panchayats envisaged in this Part aims at establishing strong and accountable systems of governance that will in turn ensure more equitable distribution of resources in a manner beneficial to all."

19. The respondents have not kept in view the constitutional objective as adumbrated above. Duly elected local bodies have been treated as non-existent and totally ignored in the process of decision-making. While the District Collector is the authority competent to accord administrative sanction for tender works valued more than Rs.50,000/-, the proposals must emanate from the local bodies concerned. If there is no elected local body, the Block Development Officer can submit proposals. Unless it is a case of emergency, it is the local body that must deliberate and make the proposals. The central government had specifically mandated that the funds are for the local bodies. The manner of utilisation has also been spelt out. The government orders mentioned above speak of formulation of village development plan. In these cases, nothing of the sort has happened. While Part IX of the Constitution envisages bottom-up model, the respondents believe in top-down approach.

20. I must refer to yet another contention advanced by the learned Additional Advocate General. It is true that when the Village Panchayat Presidents challenged the cleaning and de-silting of the water bodies by filing W.P(MD)No.5608 of 2020 etc. batch, they suffered a dismissal at the hands of another learned single Judge by order dated 10.03.2020. But those works pertained to utilisation of State Finance Commission grants provided by the State Government for the water bodies. But in the case on hand, what is involved is the utilisation of the grants and funds made available by the 14th Central Finance Commission. Therefore, the directions issued by the Central Government will have to be followed by the respondents. The Central Government had very clearly stated that the funds ought to be released only to the Village Panchayats. But in this case, the elected bodies or the Village Panchayats had been completely bypassed. Therefore, I have to necessarily hold that the notifications challenged in W.P(MD).Nos.9545 and 9554 of 2020 are unconstitutional and illegal. They are quashed. The village panchayats concerned shall deliberate and submit fresh proposals for the utilisation of the funds and the respondents shall extend



their cooperation for proper utilisation of the funds. The revised tender process shall be carried out in accordance with law and in the manner indicated above. Accordingly, WP(MD)Nos.9415, 9545 and 9554 of 2020 are allowed.

21. In W.P.(MD).1No.8929 of 2020, the petitioners have only asked for relief in the nature of Writ of Mandamus. They have not specifically challenged any particular tender notification. However, in the counter affidavit, it has been stated that the tender process was finalised quite some time back. The details have also been set out in Page Nos.9 and 10 of the counter affidavit. However, it is fairly submitted that in many cases work orders have not been issued. In respect of those items in which works have already commenced, this Court will not be justified in interfering. Unlike in the case of Sivagangai District where the petitioners moved this Court even before the tenders could be opened, the petitioners in WP(MD)No.8929 of 2020 have not come immediately. Therefore, I permit the respondents in this writ petition to continue the works in which work orders have already been issued. In respect of those panchayats where works have not commenced, the process shall stand terminated. The village panchayats concerned shall deliberate and submit fresh proposals for the utilisation of the funds and the respondents shall extend their cooperation for proper utilisation of the funds. The revised tender process shall be carried out in accordance with law and in the manner indicated above.

22. Accordingly, WP(MD)No.8929 of 2020 stands partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Deputy Registrar (Accounts)

// True Copy //

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Sub Assistant Registrar(CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

- 1.The Principal Secretary to the Government, State of Tamil Nadu,
Department of Rural Development and Panchayat Raj,
Fort St. George, Chennai - 9.
- 2.The Director of Rural Development and Panchayat Raj,
Panagal Maligai, Chennai.
- 3.The District Collector, Madurai District, Madurai.
- 4.The District Collector, Sivagangai District, Sivagangai.
- 5.The Additional Collector/Project Director,
District Rural Development Agency, Madurai.
- 6.The Project Director, (DRDA)
(Assistant Revenue Development Authority)
Sivagangai, Sivagangai District.
- 7.The Assistant Director of Village Panchayat,
Sivagangai District, Sivagangai.
- 8.The Block Development Officer,
Chellampatti Union, Madurai District.
- 9.The Block Development Officer,
Thiruppuvanam Union, Thiruppuvanam,
Sivagangai District.
- 10.The Block Development Officer,
O/o. The Block Development Office,
Nalukottai Village Panchayat,
Sivagangai Union, Sivagangai District.

+1 CC to Mr.T. LAJAPATHI ROY, Advocate (SR-14493[F] dated 20/08/2020)

+1 CC to Spl GP (SR-14427,14431,14433,14435[F] dated 19/08/2020)

**W.P(MD) .Nos.8929, 9415,
9545 and 9554 of 2020
18.08.2020**

VB (07.09.2020) 15P 13C