



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P (MD)Nos.12561 & 13020 of 2020

WMP (MD) Nos.10727,10729,10731,10964,10966 & 10967 of 2020

W.P (MD)No.12561 of 2020:-

The Chairman,
Manaparai Panchayat Union,
Manaparai,
Trichy District.

:Petitioner

Vs

1.The Secretary to Government of India,
Ministry of Panchayat Raj,
New Delhi.

2.The Secretary to Government of India,
Ministry of Finance,
Union of India,
New Delhi.

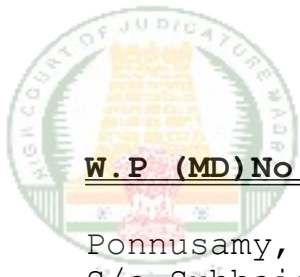
3.The Additional Chief Secretary to Government of Tamil Nadu,
Department of Rural Development and Panchayat Raj,
Secretariat,
Chennai.

4.The Director of Rural Development and Panchayat Raj,
Directorate of Rural Development and Panchayat Raj,
Building, Panagal Maligai,
4th and 5th Street, Abdul Razzak Street,
Saidapet,Chennai.

5.The District Collector/Chairman,
District Rural Development Agency,
Trichy.

6.The Project Director,
District Rural Development Agency,
Trichy.

:Respondents



W.P (MD)No.13020 of 2020:-

Ponnusamy,
S/o Subbaiah Devar,
Chairman,
Thiruchuli Panchayat Union,
Thiruchuli,
Virudhunagar District - 626 113

:Petitioner

Vs

1.The State of Tamilnadu,
Through its Additional Chief Secretary,
Rural Development and
Panchayat Raj Department,
Chennai - 600 009.

2.The Director of Rural Development and
Panchayat Raj Department,
Saidapet,
Chennai - 600 015.

3.The District Collector,
Virudhunagar District.

4.The Block Development Officer,
Thiruchuli Panchayat Union,
Thiruchuli,
Virudhunagar District.

:Respondents

PRAYER in W.P (MD)No.12561 of 2020:-Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent in G.O.Ms.No.135, Rural Development and Panchayat Raj (SGS2) Department dated 10.08.2020 and quash the same as illegal and without authority of law and in consequence thereof quash the Tender Notice No.Nil dated 08.09.2020 issued by the 6th respondent and further direct the respondents 5 and 6 to permit the petitioner to execute the various road works at the Panchayat Union level itself in accordance with law.

PRAYER in W.P (MD)No.13020 of 2020:-Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, directing the respondents to call for the records of the impugned Government Order in G.O.(Ms) No.135 Rural Development and Panchayat Raj (SGS.2) Department dated 10.08.2020 on the file of the 1st respondent and the consequent impugned notice published in Indian Express Newspaper in DIPR/3344/TENDER/2020 dated NIL on the file of the second respondent in so far as utilizing the Panchayat Union share of State Finance Commission Population Grant 2020-21, for the implementation of TNRRIS Scheme and to quash the same.



For Petitioner	Mr.P.Ganapathi Subramanian
For Respondents	Mr.M.Sricharan Rangarajan Assisted by Mr.P.Mahendran Additional Government Pleader
(in W.P(MD) No.12561 of 2020)	
For Petitioner	Mr.G.Prabhu Rajadurai
For R1 to R3	Mr.M.Rajarajan Additional Government Pleader
For R4	Mr.K.P.Narayanakumar Special Government Pleader
(in W.P(MD) No.13020 of 2020)	

C O M M O N O R D E R

The Chairmen of two local bodies namely Manaparai Panchayat Union, Trichy and Thiruchuli Panchayat Union, Virudhunagar are the petitioners in these Writ Petitions. They challenge G.O.Ms.No.135 Rural Development and Panchayat Raj (SGS.2) Department dated 10.08.2020 and the consequential tender notification issued by the Director of Rural Development and Panchayat Raj Department.

2.The core argument of the learned counsel appearing for the petitioners is that the impugned Government Order is cutting into the legitimate share of the local bodies in the grant devolved under the State Finance Commission Population Grant 2020-21. The learned counsel for the petitioner draws my attention to Clause 3(4) and 6 (4) of the impugned G.O., which reads as follows.

*3.In pursuance of the above announcement, the Director of Rural Development and Panchayat Raj in his letter seventh read above has sent a proposal for the implementation of Tamil Nadu Rural Roads Improvement Scheme (TNRRIS) 2020-21 at a cost of Rs.1,400 Crore and requested orders of the Government on the following:-
(iv) Authorizing the balance amount of Rs.600 crore to be met from the Panchayat Union share of State Finance Commission(SFC) Population Grant 2020-21 for the implementation of TNRRIS 2020-21.*

6.Considering the reasons in para.5 above in view of Covid-19 pandemic, the Government restrict the outlay



for TNRRIS at this stage for the year 2020-21 to Rs.1000 crore and pass the following orders:-

(iv) Permission is accorded for taking the road works under Stream -I (Upgradation of Non-BT roads into BT roads), Stream II (Strengthening of the existing damaged BT roads) and Stream-III (Maintenance of the existing damaged BT roads) category with the following norms:-

(a) From out of the total allocation to a district, at least 25% of the funds allocated to be earmarked for each of the three streams.

(b) Out of the total allocation to a district, at least 25% of funds to be allocated to Bus-Plying roads cumulatively under all the three streams.

- Stream-I and Stream-II category only eligible under 80% component of Capital Grant Fund for priority works and 80% of the Capital Grant Fund distributed to District Panchayats.
- Stream-I, Stream-II and Stream-III category are eligible under Panchayat Union share of State Finance Commission (SFC) Population Grant subject to the condition that other capital works to be undertaken is not affected.

3. The learned Additional Advocate General on instructions states that the subject road works under 'The Tamil Nadu Rural Roads Improvement Scheme' (TNRRIS) for the year 2020-2021 will be carried out from out of independent funds to be allotted for it. In other words, the share earmarked for the local bodies will not be tapped for implementing TNRRIS works for the year 2020-2021.

4. In as much as the impugned tender works are to be funded by an independent allocation from the State Government and the share of Panchayat Unions is not going to be affected in any manner, the grievance of the writ petitioners is more than addressed. Recording the aforesaid submission of the learned Additional Advocate General, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

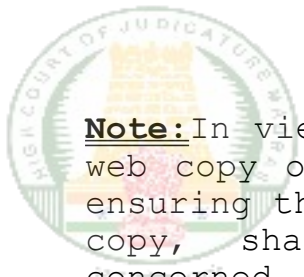
Sd/-

Assistant Registrar (AD-II)

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Sub Assistant Registrar (CS)



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 Secretary to Government of India,
Ministry of Panchayat Raj,
New Delhi.
2. The Secretary to Government of India,
Ministry of Finance,
Union of India,
New Delhi.
3. The Additional Chief Secretary to Government of Tamil Nadu,
Department of Rural Development and Panchayat Raj,
Secretariat,
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4. The Director of Rural Development and Panchayat Raj,
Directorate of Rural Development and Panchayat Raj,
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Trichy.
7. The District Collector,
Virudhunagar District.
8. The Block Development Officer,
Thiruchuli Panchayat Union,
Thiruchuli,
Virudhunagar District.

+1 CC to SPL GP (SR-18536[F] dated 30/09/2020)

+1CC TO Mr.G.Prabhu Rajadurai, Advocate Sr.No.18453

Common order made in
W.P (MD)Nos.12561 & 13020 of 2020
WMP (MD) Nos.10727,10729,10731,10964,10966 & 10967 of 2020
29.09.2020

VB (13.10.2020) 5P 11C