



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.13791 of 2020

and

W.M.P (MD)Nos.11442 & 11443 of 2020

(Through Video Conference)

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Kalaiselvan,
S/o.Veeraiyan Muthaliyar,
The Chairman,
Thanjavur District Union Chairman Association,
Thanjavur District,
Thanjavur.

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

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the third 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 further, direct the respondents 5 and 6 to permit the petitioner Association members to execute the various road works at Thanjavur District Panchayat Union level itself in accordance with law.

For Petitioner : Mr.S.S.Venkatesan
For R-1 & R-2 : Mr.Narayan Ram,
Central Government Standing Counsel
For R-3 to R-6 : Mr.Sricharan Rangarajan,
Additional Advocate General assisted by
Mr.A.Karthik,
Government Advocate

O R D E R

This writ petition has been filed challenging the G.O.Ms.No.135, Rural Development and Panchayat Raj (SGS2) Department, dated 10.08.2020, to quash the same as illegal and without authority of law and to direct the respondents 5 and 6 to permit the petitioner Association members to execute the various road works at Thanjavur District Panchayat Union level itself in accordance with law.

2. In accordance with the directions given by this Court on 06.10.2020, the fifth respondent has filed his counter-affidavit, wherein in Paragraph No.13, the fifth respondent has made it clear that the share of the panchayat unions are not going to be affected by the impugned G.O.Ms.No.135, Rural Development and Panchayat Raj (SGS2) Department, dated 10.08.2020.

3.Paragraph No.13 of the counter-affidavit filed by the fifth respondent is extracted hereunder:

"13.I would also submit at this juncture that the Hon'ble Madurai Bench of the Hon'ble Madras High Court has passed an order dated 29.09.2020 in W.P(MD)Nos.12561 and 13020 of 2020, which were filed with a similar plea challenging the very same Government Order in relation to TNRRIS 2020-2021. Based on the affidavit filed by the 5th respondent in the W.P(MD) Nos.12561 and 13020 of 2020 and the submissions on behalf of the Government that the works under TNRRIS 2020-21 shall be funded by the independent allocation from the State Government, this Hon'ble Court disposed of the writ petitions. The order of this Hon'ble Court in W.P(MD) No.12561 and 13020 of 2020 dated 29.09.2020 reads as follows:



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"The impugned tender works are to be funded by an independent allocation from the State Government and the share of the 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."

4. In fact, the said submission made by the fifth respondent was also recorded in connected writ petitions filed by other aggrieved persons in W.P(MD)Nos.12561 & 13020 of 2020 on 29.09.2020, by another learned single Judge of this Court.

5. Since the apprehension of the petitioner is uncalled for and after recording the submission made by the fifth respondent before this Court, this writ petition is disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pm

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

+1 CC to the SPL GP (SR-24931[F] dated 10/12/2020)

Order made in
W.P. (MD) No. 13791 of 2020

Dated:
09.12.2020

ARK(CO)
CS(18.12.2020) 4P 8C