



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD)No.18070 of 2020

and

W.M.P. (MD)No.15059 of 2020

Pandiammal

... Petitioner

Vs.

- 1.The Secretary to Government,
Rural Development and Panchayatraj
Department,
Secretariat,
Chennai-600 009.
- 2.The District Collector,
Madurai District,
Madurai.
- 3.The Director,
Vigilance and Anti-Corruption Department,
No.293, M.K.N.Road,
Alandhur, Chennai-600 016.
- 4.The Deputy Superintendent of Police,
Madurai Division,
Vigilance and Anti-Corruption Department,
No.1/165G, Alagarkovil Main Road,
Race Course Colony,
Madurai-625 006.
- 5.Mrs.Priyanka, I.A.S.,
District Project Co-ordinator cum Assistant Collector,
Madurai District,
Madurai.
- 6.Mrs.Prema Padayatchi,
Block Development Officer(Village Panchayat) cum Project Officer,
Usilampatti Block,
Usilampatti Panchayat Union,
Madurai District.
- 7.Mrs.Chitra,
President,
Nalluthevanpatti Village Panchayat,
Usilampatti Panchayat Union,
Madurai District.



8.Mr.Paulraj,
Village Secretary,
Nalluthevanpatti Village Panchayat,
Usilampatti Panchayat Union,
Madurai District.

9.P.Prakash

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents 1 to 4 herein to take necessary action against the respondents 5 to 9 for abusing their official capacity, colluded with contractors and construction done in contravening to the work permission granted under MGNREA Act, 2005, thereby creating false documents and misappropriating Government fund in respect of the construction work of Anganvadi Building in Nalluthevanpatti Village, Madurai District, under Mahathma Gandhi National Rural Employment Guarantee Scheme by considering the petitioner's representation dated 08.10.2020 within the stipulated time as fixed by this Court.

For Petitioner	:	Mr.A.Mithun Chakravarthi
For Respondents	:	Mr.Sricharan Rengarajan
1 to 4		Additional Advocate General assisted by Mr.M.Muthugeethaiyan Special Government Pleader

ORDER

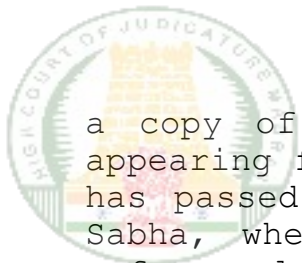
(Order of the Court was made by B.PUGALENDHI,J)

The petitioner has made a challenge as against the construction of Anganwadi Building and that the workers under Mahathma Gandhi National Rural Employment Guarantee Scheme have not been used for construction of work. He would also contend that the building proposal has been made without any approval from the Village Panchayat.

2. Mr.Sricharan Rengarajan, learned Additional Advocate General assisted by Mr.M.Muthugeethaiyan, learned Special Government Pleader appearing for the respondents 1 to 4 would submit that the construction has been made based on the Village Panchayat resolution, however, without ascertaining the same, the present Writ Petition has been filed. Further, all the Mahathma Gandhi National Rural Employment Guarantee Scheme workers (unskilled labourers) who were used in the work are the people of particular Village viz, Nalluthevanpatti and the vendor who has supplied materials for the construction work has been properly registered by the District Administration.

3. When the learned Additional Advocate General has produced

<https://hcservices.ecourts.gov.in/hcservices/>



a copy of the Village Panchayat Resolution, the learned Counsel appearing for the petitioner would submit that the Village Panchayat has passed a resolution and it has not been approved by the Grama Sabha, whereas in the Writ Petition filed by the petitioner, he refers only the Village Panchayat resolution.

WEB COPY

4. In view of the above, it would reveal that this Writ Petition has been filed even without ascertaining as to whether Village Panchayat Resolution has been passed or not. The Writ Petition is devoid of merits and the same is liable to be dismissed. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (Cs-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SSL

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,
Rural Development and Panchayatraj Department,
Secretariat, Chennai-600 009.
- 2.The District Collector,
Madurai District, Madurai.
- 3.The Director,
Vigilance and Anti-Corruption Department,
No.293, M.K.N.Road, Alandhur, Chennai-600 016.
- 4.The Deputy Superintendent of Police,
Madurai Division,
Vigilance and Anti-Corruption Department,
No.1/165G, Alagarkovil Main Road,
Race Course Colony, Madurai-625 006.

+1 CC to M/s.SPL GP (SR-25105[F] dated 11/12/2020)

W.P. (MD) No.18070 of 2020

10.12.2020

TP (CO)

KB (22.12.2020) 3P 6C

<https://hcservices.ecourts.gov.in/hcservices/>