



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 13.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.10270 of 2021

Dharmalingam

... Petitioner

Vs.

1. The Director of Rural Development
and Panchayath Raj Department,
Panagal Maligai, Saidapet,
Chennai 600 015.
2. The District Collector,
Office of the District Collector,
Gundu Salai Road, Manjakuppam,
Cuddalore 607 001.
3. The Project Director/ Additional Director,
District Rural Development Agency,
Cuddalore 607 001.
4. The Block Development Officer (Administration),
Kammapuram Panchayat Union, Cuddalore.
5. G.Velmurugan.

... Respondents

PRAYER: Writ petition filed under Section 226 of the Constitution of India to issue a writ of Mandamus directing the third respondent herein to conduct enquiry in line with the order issued by the first respondent herein vide his proceedings in Na.Ka.No.37945/2020/RHS 1.1. dated 06.10.2020 and to dispose off the petitioner's representation dated 17.09.2020 within a stipulated time frame.

For Petitioner : Mr.P.Dinesh Kumar

For Respondents : Mr.A.Selvendran
Government Advocate for RR1 to 4



ORDER

This writ petition has been filed to issue a writ of Mandamus directing the third respondent herein to conduct enquiry in line with the order issued by the first respondent herein vide his proceedings in Na.Ka.No.37945/2020/RHS 1.1. dated 06.10.2020 and to dispose off the petitioner's representation dated 17.09.2020 within a stipulated time frame.

2. The allegation of the petitioner is that the fifth respondent has availed the benefit under the "Chief Minister's Solar Powered Green House Scheme", which is launched only to cater the shelter for the people in below the poverty line. But the fifth respondent was working as a driver in Tamil Nadu State Transport Corporation during the course of availing the benefit, however, he availed the benefit by encroaching of a portion of the petitioner's property by displaying forged patta. Hence, the petitioner had given complaints and representations to the respondents R2, R3 and R4. However, no action had been taken. Hence, he gave a representation dated 17.09.2020 to the first respondent, who in turn forwarded the same vide proceedings in Na.Ka.No.37945/2020/RHS dated 06.10.2020 to the third respondent and directed the third respondent to conduct a proper enquiry. Despite received several representations, the concerned departments remain idle, without taking proper action against the 5th respondent. Hence this writ petition.

3. The learned counsel appearing for the respondents R1 to R4 placed a copy of a letter dated 28.06.202 sent by the fourth respondent to the second respondent, wherein, it is stated that the third respondent has directed the petitioner to appear on 28.05.2021 and on 10.06.2021 for enquiry. But the petitioner had not appeared. Again, as a final chance, the petitioner was directed to appear on 24.06.2021 at 4.00 p.m. before the third respondent for enquiry. However, he was not appeared on that date also.

4. He further submitted that now, the above matter has been again posted on 19.07.2021 for enquiry on the complaint given by the petitioner and if the petitioner is appeared on that day, the allegations of the petitioner were duly enquired by the respondents and appropriate decision will be taken.

5. At this juncture, the learned counsel appearing for the petitioner submitted that the petitioner will appear before



the third respondent on 19.07.2021 and co-operate for enquiry.

6. Based on the submissions made by the counsels to the parties, this court directs the petitioner that he shall appear before the third respondent on 19.07.2021 for enquiry and the third respondent shall also proceed with the enquiry by giving opportunities to both the parties and shall take a decision, as early as possible, within a period of 12 weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Director of Rural Development
and Panchayath Raj Department,
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2. The District Collector,
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3. The Project Director/ Additional Director,
District Rural Development Agency,
Cuddalore 607 001.
4. The Block Development Officer (Administration),
Kammapuram Panchayat Union, Cuddalore.

+1cc to Mr.P.Dinesh Kumar, Advocate, S.R.No.33319

+1cc to the Government Pleader, S.R.No.33300

W.P.No.10270 of 2021

PCH(CO)
RLP(09/08/2021)