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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.39361 of 2016

N.Vanitha

...Petitioner

Vs

1.The District Collector
Villupuram District
Villupuram.

2.The Assistant Director
Animal Husbandry and Veterinary
Services
Tindivanam, Villupuram District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to include the name of the petitioner in the beneficiary list issued under the "Scheme for Free Distribution of Milch Cows" by considering the representation of the petitioner dated 04.11.2016 in accordance with G.O.Ms.No.79 of Animal Husbandry, Dairying and Fisheries Department dated 29.07.2011 and consequently take suitable legal action as against the erring officials for choosing ineligible candidates under the scheme.

For Petitioner : Mr.C.Munusamy
For Respondents : Mr.G.Krishnaraja
Government Advocate

ORDER

This writ petition has been filed for issuing a mandamus directing the respondents to include the name of the petitioner in the beneficiary list issued under the "Scheme for Free Distribution of Milch Cows" by considering the representation of the petitioner dated 04.11.2016 in accordance with G.O.Ms.No.79, Animal Husbandry, Dairying and Fisheries Department, dated 29.07.2011 and consequently take suitable legal action as against the erring officials for choosing ineligible candidates under the scheme.



2. According to the petitioner, she is a permanent resident of Vadapalai Village, Villupuram District. The Tamil Nadu Government has introduced a Scheme for Free Distribution of Milch Cows vide G.O.Ms.No.79, Animal Husbandry, Dairying and Fisheries Department, dated 29.07.2011 and also issued the guidelines for selection of the beneficiaries under the said G.O. The petitioner has possessed all the eligibility criteria stipulated in the said G.O. However, the respondents had violated the norms and guidelines framed in the G.O. Though the petitioner has approached the authorities concerned in this regard, they have not given any proper reply. Therefore, the petitioner has sent a representation to the respondents on 04.11.2016 requesting them to select the beneficiaries in accordance with the rules and guidelines framed in the said G.O. However, till date, no action was taken on the said representation. Hence, this writ petition.

3. Upon notice, the 2nd respondent filed a detailed counter affidavit, wherein, it is inter alia stated that the petitioner has not at all participated in Grama Sabha meetings, she has not submitted any application that she is a beneficiary of the scheme and therefore, she has not been selected. Further, it is stated that the schedule of selection of beneficiaries was already over and list of eligible candidates was approved by the 1st respondent. Hence, the relief sought for by the petitioner cannot be granted at this stage.

4. The learned counsel appearing for the petitioner submitted that it would suffice, if this Court grants a liberty to the petitioner to file a fresh representation and directs the respondents to consider the same and pass appropriate orders within the reasonable time.

5. The learned Government Advocate appearing for the respondents submitted that the respondents would consider the fresh representation filed by the petitioner, if the scheme for free distribution of milch cows is still in force.

6. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court finds it appropriate to grant liberty to the petitioner to file a fresh representation along with all the documentary evidence within a period of two weeks from the date of receipt of a copy of this order and on such filing, the respondents shall consider the same, if the said scheme is still available and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner.



7. Accordingly, this writ petition stands disposed of. No costs.

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s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The District Collector
Villupuram District
Villupuram.

2. The Assistant Director
Animal Husbandry and Veterinary
Services
Tindivanam, Villupuram District.

+1 CC to The Government Pleader sr 29024.

W.P.No.39361 of 2016

PMK (CO)
SP(20/07/2021)