



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2021

CORAM

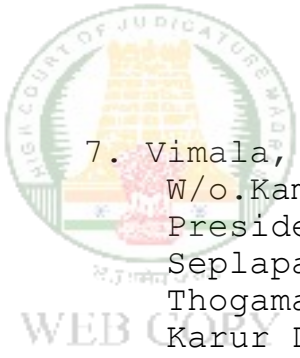
**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P.(MD)No.10666 of 2020 and

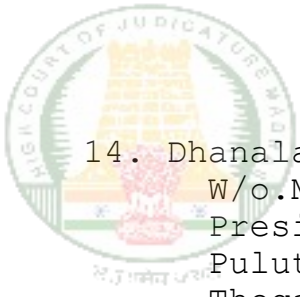
W.M.P.(MD)No.9390 of 2020

WEB COPY

1. Rajalingam,  
S/o.Ponnusamy,  
President,  
Kalladai Village Panchayat,  
Thogamalai Union,  
Karur District.
2. Adaikalam,  
S/o.Sangapillai,  
President,  
Koodalur Village Panchayat,  
Thogamalai Union,  
Karur District.
3. R.Sathya,  
S/o.Ramachandran,  
President,  
Perunthalur Village Panchayat,  
Thogamalai,  
Karur District.
4. Papathiammal,  
W/o.Sakthivel,  
President,  
Pathinapatti Village Panchayat,  
Thogamalai Union,  
Karur District.
5. Dhanamalini,  
W/o.Kanthasami,  
President,  
Thogamalai Village Panchayat,  
Thogamalai Union,  
Karur District.
6. Latha,  
W/o.Raja,  
President,  
Nagalur Village Panchayat,  
Thogamalai Union,  
Karur District.



7. Vimala,  
W/o.Kamaraj,  
President,  
Seplapatti Village Panchayat,  
Thogamalai Union,  
Karur District.
8. Manikandan,  
S/o.Palaniyandi,  
Muthalaipatti Village Panchayat,  
Thogamalai Union,  
Karur District.
9. S.P.Muthusamy,  
S/o.Ponnusamy,  
President,  
Kazhugoor Village Panchayat,  
Thogamalai Union,  
Karur District.
10. Palanisamy,  
S/o.Vellaiyan,  
President,  
Chinnayampalayam Village Panchayat,  
Thogamalai Union,  
Karur District.
11. Vimala,  
W/o.Velayutham,  
President,  
Neithalur Village Panchayat,  
Thogamalai Union,  
Karur District.
12. Karuppaiah,  
S/o.Kandasamy,  
President,  
Kallai Village Panchayat,  
Thogamalai Union,  
Karur District.
13. Lakshmi,  
W/o.Palanimuthu,  
President,  
Pillur Village Panchayat,  
Thogamalai Union,  
Karur District.



14. Dhanalakshmi,  
W/o.Magamuni,  
President,  
Pulutheri Village Panchayat,  
Thogamalai Union,  
Karur District.

15. Saravanan,  
S/o.Idumban,  
President,  
Vadaseri Village Panchayat,  
Thogamalai Union,  
Karur District.

16. Ponnammal,  
W/o.Balamoorthi,  
President,  
R.T.Malai Village Panchayat,  
Thogamalai Union,  
Karur District.

17. Thanikachalam,  
S/o.Mummatchi Rettiyar,  
President,  
Puththur Village Panchayat,  
Thogamalai Union,  
Karur District.

18. Jeyabal,  
S/o.Pethureddiyar,  
President,  
Aalththur Village Panchayat,  
Thogamalai Union,  
Karur District.

19. Deviga,  
W/o.Govindaraj,  
President,  
Aarchampatti Village Panchayat,  
Thogamalai Union,  
Karur District.

20. Manokaran,  
S/o.Maruthamuthu,  
President,  
Thalinchi Village Panchayat,  
Thogamalai Union,  
Karur District.

... Petitioners



1. State of Tamil Nadu,  
Rep. by its Principal Secretary to Government,  
Department of Rural Development  
and Panchayat Raj,  
Fort St. George,  
Chennai - 9.

WEB COPY

2. The Director of Rural Development and  
Panchayat Raj,  
Panagal Maligai,  
Chennai.

3. The District Collector,  
Karur District,  
Karur.

4. The Project Director,  
District Rural Development Agency,  
Karur District,  
Karur.

5. The Block Development Officer,  
Thogamalai Panchayat Union,  
Thogamalai,  
Karur District.

... Respondents

**Prayer:** Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing respondents 3 to 5 from conducting the packaging tender in respect of the funds allocated under the 14<sup>th</sup> and 15<sup>th</sup> Finance Commission and all other schemes of the Government to carry out all the basic works in the village Panchayats by way of usurping the tender inviting powers of the petitioners and consequently for a direction, directing the respondents to restore the power of the petitioners in inviting tenders in respect of the basic works to be carried out in the Village Panchayat in accordance with the provisions of the Tamil Nadu Panchayat Act, 1994 and the Rule 8 and 14 of the Tamil Nadu Panchayats (Preparation of Plans and Estimates for Works and Mode and Conditions of Contracts) Rules, 1998 within the time period stipulated by this Court.

For Petitioners : Mr.T.Vadivelan

For Respondents : Mr.Sri Charan Rangarajan,  
Additional Advocate General,  
assisted by,  
Mr.M.Rajaraman,  
Additional Government Pleader.

\* \* \*



**O R D E R**

Heard the learned counsel appearing for the petitioners and the learned Additional Advocate General appearing for the respondents.

2. The writ petitioners are the Presidents of the Village Panchayats in Thogamalai Union, Karur District. The prayer is for forbearing respondents 3 to 5 from conducting packaging tender in respect of the funds allocated under the 14<sup>th</sup> and 15<sup>th</sup> Finance Commission.

3. The learned Additional Advocate General points out that utilisation under the 15<sup>th</sup> Finance Commission had not happened at the time of filing of this writ petition.

4. Therefore, the case on hand has to be confined to the utilisation of funds allocated under the 14<sup>th</sup> Finance Commission. The grievance of the petitioners is that the panchayats have been totally bypassed.

5. The learned Additional Advocate General would draw my attention to the materials enclosed in the typed set of papers filed by the respondents on 13.10.2020. It can be seen therefrom that the Block Development Officers who were working in their capacities as Special Officers of the respective panchayats had passed resolutions approving the said road works. During November 2019, elected bodies had not come into existence. Subsequently, Grama Sabha meetings were held and in the said Grama Sabha meetings, the village development plans had been approved. Therefore, I am satisfied that there has not been a complete bypassing of the local bodies.

6. I am satisfied that the instant project works have been identified and approved by the respective panchayats. The petitioners' counsel would contend that the tenders should also be floated only by the respective village panchayats. I am afraid, this cannot be accepted as such. As rightly pointed out by the learned Additional Advocate General, Tamil Nadu Panchayats (Preparation of plans and Estimates for works and mode and conditions of contracts) Rules, 2007 is already governing the field. The village panchayat will be the competent authority to accord administrative sanction as well as finalise tenders only within the limits prescribed in G.O.Ms.No.132 Rural Development and Panchayat Raj(PR.I) Department dated 04.08.2008 r/w. G.O.Ms.No.203 Rural Development and Panchayat Raj Department dated 20.12.2007.

7. It is obvious that the project estimates in the case on hand are above the aforesaid ceiling limits prescribed in the said Government Orders. Therefore, the village panchayat presidents cannot insist that they should be the tender finalising authorities. The tenders will be conducted and finalised as per the provisions of Tamil Nadu Panchayats Act 1994 and Rules framed therein.



8. Of course this Court cannot lose sight of the fact that G.O.Ms.No.34 Rural Development and Panchayat Raj (PR-1) Department dated 02.03.2016 issued by the Government of Tamil Nadu contains the following Clauses 10 to 12:

"10. Preparation of Estimates:

After identification and approval of works by the Village Panchayat and validation by the Gram Sabha, actual estimates should be prepared by the concerned technical officials.

No estimate should be prepared by the concerned technical officials without verification at the field. Estimates prepared by the Engineers should be randomly checked by the Assistant Executive Engineer and the Executive Engineer(RD) in order to ensure that only actual and correct estimates are prepared.

11. Administrative sanction:

Administrative sanction for the works for implementing the plan will be accorded as per the existing rules in force after detailed scrutiny of the estimates by the appropriate authorities.

12. Executing Agency for implementing plan:

Since Village Panchayat is the local body which is responsible for provision of basic amenities in rural areas, the works relating to Rural Development and Panchayat Raj Department will be executed through Village Panchayats in accordance with the provisions of the Tamil Nadu Panchayats Act, 1994 and the rules issued thereunder. The implementation of the plan will also be monitored by the Village Panchayats."

9. The respondents will bear in mind the directives set out in the aforesaid clauses while carrying out the other scheme works funded by the Central Finance Commission grants.

10. It is open to the concerned panchayat presidents to draw the attention of the project authorities if there is any deviation. The petitioners are always at liberty to do so. I am certain that the same will be attended to with utmost expedition.

11. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

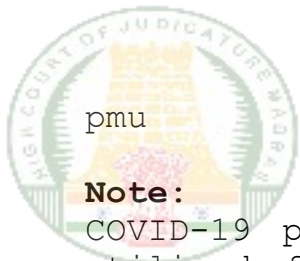
Sd/-

Assistant Registrar (CS-I)

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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 Principal Secretary to Government,  
State of Tamil Nadu,  
Department of Rural Development  
and Panchayat Raj,  
Fort St. George,  
Chennai - 9.
2. The Director of Rural Development and  
Panchayat Raj,  
Panagal Maligai,  
Chennai.
3. The District Collector,  
Karur District,  
Karur.
4. The Project Director,  
District Rural Development Agency,  
Karur District,  
Karur.
5. The Block Development Officer,  
Thogamalai Panchayat Union,  
Thogamalai,  
Karur District.

W.P. (MD) No.10666 of 2020

04.01.2021

**SMV** (CO)

NR (06/01/2020) 7P : 6C