



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)Nos.16345 & 16350 of 2020

and

WMP(MD)Nos.13655, 13656, 13659 & 13660 of 2020

P.Saravanan ... Petitioner in WP(MD)No.16345 of 2020

P.Shunmugam ... Petitioner in WP(MD)No.16350 of 2020

Vs.

1.The State of Tamil Nadu,
Rep.by the Secretary,
Department of Municipal Administration
and Water Supply,
Secretariat, St.George Fort,
Chennai - 9.

2.The Director,
Directorate of Town Panchayat,
Municipal Administration Office Campus,
MRC Nagar, Chennai - 28.

3.The District Collector,
Collectorate, Tirunelveli District.

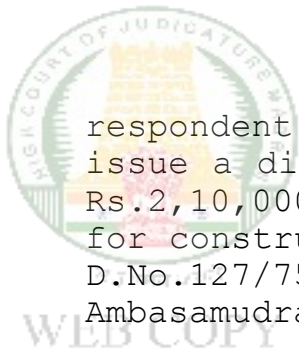
4.The Assistant Director,
Town Panchayat Office,
NGO "B" Colony,
Tirunelveli District.

5.The Kallidaikurichi Special Grade Town Panchayat,
Rep.by the Executive Officer,
Kallidaikurichi,
Ambasamudram Taluk,
Tirunelveli District.

... Respondents in both cases

Prayer in WP(MD)No.16345 of 2020 : Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the petition filed in Na.Ka.No.110/2020 dt 5.10.2020 on the file of the

<https://hcmrportal.gov.in/user>



respondent no.5 and quash the same as illegal and consequently to issue a direction directing the respondents to release the funds of Rs.2,10,000/- to this petitioner (Beneficiary no.338038671297300014) for constructed the house under Pradhan Mantri Awas Yojana Scheme at D.No.127/75, Subramaniyapuram Yadhava Street, Kallidaikurichi, Ambasamudram Taluk, Tirunelveli District.

Prayer in WP(MD)No.16350 of 2020 : Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to impugned order in Na.Ka.No.103/2020 dt 22.09.2020 on the file of the respondent no.5 and quash the same as illegal and consequently to issue a direction directing the respondents to release the funds of Rs.2,10,000/- to this petitioner (Beneficiary no.338038671297300019) for constructed the house under Pradhan Mantri Awas Yojana Scheme at D.No.127/75, Subramaniyapuram Yadhava Street, Kallidaikurichi, Ambasamudram Taluk, Tirunelveli District.

in both cases :

For Petitioner : Mr.I.Pinaygash for Ms.A.Victoria

For R1 to R4 : Mr.C.Ramar,
Additional Government Pleader

For R5 : Mr.K.Sathyasingh
Additional Government Pleader

COMMON ORDER

Heard the learned counsel on either side.

2.The petitioners herein are residents of Kallidaikurichi, Ambasamudram Taluk, Tirunelveli District. The petitioners applied for grant of subsidy under Pradhan Mantri Awas Yojana Scheme. The petitioners were selected way back in the year 2017. It appears that the funds meant to be disbursed to the petitioners had also reached the panchayat.

3.But for reasons best known, the fifth respondent did not release the petitioners' funds. Unable to wait, the petitioners went ahead and put up constructions. Thereafter, the request was rejected by the impugned orders. The stand taken in the impugned orders is that the funds will have to be released stage wise and that there is no scope for payment of subsidy in respect of already constructed houses. I find the said stand taken in the said impugned order to be factually sustainable. Therefore, I am not in a position to grant any relief to the petitioners herein. However, the petitioners are permitted to give a representation to the third respondent. The third respondent will enquire as to why the fifth



respondent sat on the petitioners' request for payment all these months. If the amounts cannot be given to the petitioners herein, the same will have to be returned to the source from which it was originally received. It is open to the third respondent to take any appropriate decision in the matter.

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4. With this observation, the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

skm

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,
State of Tamil Nadu,
Department of Municipal Administration
and Water Supply,
Secretariat, St. George Fort,
Chennai - 9.
2. The Director,
Directorate of Town Panchayat,
Municipal Administration Office Campus,
MRC Nagar, Chennai - 28.
3. The District Collector,
Collectorate, Tirunelveli District.
4. The Assistant Director,
Town Panchayat Office,
NGO "B" Colony,
Tirunelveli District.



5. The Executive Officer,
Kallidaikurichi Special Grade Town Panchayat,
Kallidaikurichi,
Ambasamudram Taluk,
Tirunelveli District.

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+1 CC to SPL GP (SR-1823,1824,1639[F] dated
22/01/2021)

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20.01.2021

VB (17.02.2021) 4P 7C