



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.18280 of 2021

P.Kurukalange

... Petitioner

Vs.

- 1.The Director,
Animal Husbandry and Veterinary Services,
26FJ+VX6, Fanepet,
Nandanam,
Chennai - 600035.
- 2.The District Collector,
Thoothukudi,
Thoothukudi District.
- 3.The Regional Joint Director,
Animal Husbandry & Veterinary Services,
Thoothukudi.
- 4.The Assistant Director,
Animal Husbandry & Veterinary Services,
Thoothukudi.
- 5.The Assistant Director of Panchayat,
Thoothukudi,
Thoothukudi District.
- 6.The Block Development Officer (Village Panchayat),
Thoothukudi Union,
Thoothukudi District.
- 7.The President,
Thalavaipuram Village Panchayat,
Thoothukudi Union,
Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to conduct fresh enquiry on petitioner's appeal petition dated 12.08.2021 and consequently direct the respondents to identify the eligible beneficiaries as per the eligible criteria framed in G.O.(Ms) No.116 dated 12.09.2020 in the



"Scheme for Free Distribution of Milch Cows" at Dalavaipuram Village Panchayat, Thoothukudi Union, Thoothukudi District within time frame fixed by this Court.

For Petitioner : Mr.J.Senthil Kumaraiah
For R-1 to R-5 : Mr.P.Subbaraj,
Counsel for State.
For R-6 & R-7 : Mr.M.Lingadurai

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ORDER

The petitioner seeks a fresh inquiry on the appeal filed by him before the second respondent with regard to the alleged irregularities in the selection of beneficiaries for the scheme for free distribution of milch cows at Dalavaipuram Village Panchayat, Thoothukudi Union, Thoothukudi District.

2. The petitioner states that a scheme for free distribution of milch cows was formulated in terms of G.O(Ms)No.116 dated 12.09.2020 of the Animal Husbandry, Dairying and Fisheries (AH-4) Department. The petitioner points out that the above mentioned Government Order contains an annexure which sets out the eligibility criteria for beneficiaries under the scheme. According to the petitioner, several eligibility criteria were contravened while selecting beneficiaries. In specific, the petitioner asserts that one of the criteria is that the beneficiaries should be a permanent resident of the relevant village but that non-residents were selected as beneficiaries. Besides, the petitioner asserts that the beneficiaries should not possess more than one (1) acre of land but that some of the selected beneficiaries possess more than one (1) acre of land. The third aspect that the petitioner adverts to is that such beneficiaries should not have benefited from earlier schemes for free distribution of goat/sheep, whereas some of the selected beneficiaries have enjoyed benefits under more than one scheme. In these facts and circumstances, the petitioner states that he submitted a representation on 18.01.2021. Pursuant to an inquiry, it is stated that the third respondent rejected the representation without assigning proper reasons by merely stating that no *prima facie* case is made out. Therefore, the petitioner filed an appeal on 12.08.2021 before the second respondent and seeks an inquiry in respect thereof.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 5 and Mr.M.Lingadurai, learned Standing Counsel, accepts notice for the sixth and seventh respondents. Mr.P.Subbaraj submits that the second respondent may be directed to consider and dispose of the petitioner's appeal on merits.



4. The petitioner has enclosed a copy of G.O(Ms)No.116, including the annexure thereto, which contains the eligibility criteria under the scheme. The list of beneficiaries is also enclosed. In addition, the petitioner has enclosed a copy of the representation made by him and the communication dated 19.04.2021 of the third respondent. As contended by the petitioner, the communication dated 19.04.2021 does not contain any reasons for rejecting the petitioner's representation except by stating that no *prima facie* case is made out. In these facts and circumstances, the petitioner has made out a case for the consideration of the appeal presented before the second respondent.

5. For reasons set out above, the second respondent herein is directed to consider the petitioner's appeal dated 12.08.2021 and dispose of the same by a reasoned order within a period of three (3) months from the date of receipt of a copy of this order. A reasonable opportunity shall be provided to the petitioner and to the beneficiaries against whom the petitioner makes allegations before a decision is taken.

6. Accordingly, W.P.(MD).No.18280 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

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Sub Assistant Registrar(CS)

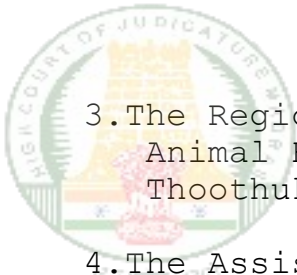
tsg/lm

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 Director,
Animal Husbandry and Veterinary Services,
26FJ+VX6, Fanepet,
Nandanam, Chennai - 600035.

2.The District Collector,
Thoothukudi,
Thoothukudi District.



3.The Regional Joint Director,
Animal Husbandry & Veterinary Services,
Thoothukudi.

4.The Assistant Director,
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6.The Block Development Officer (Village Panchayat),
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Thoothukudi District.

7.The President,
Thalavaipuram Village Panchayat,
Thoothukudi Union,
Thoothukudi District.

+1 CC to M/s.SPL.GP (SR-32080[F] dated 21/10/2021)

**W.P(MD)No.18280 of 2021
20.10.2021**

RD/JGB (01.11.2021) 4P 9C