



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2022

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.2159 of 2011

'Samooga Vijgana Vizhippunarvoo Yeiakkam'

Rep. by its Director S.Jaya Raj,
Vivekananda Nagar, Kaliyancud,
Chunkankadai - 629 801,
Kanyakumari District.

... Petitioner

Vs.

1. The Union of India,
rep. by its Secretary,
Ministry of Rural Development,
Department of Drinking Water Supply,
8th Floor, Panyavaran Bhavan, C.G.O. Complex,
Lodi Road, New Delhi - 110 003.
2. The Government of Tamil Nadu,
rep. by its Secretary to Government,
Rural Development Department,
Fort St.George, Chennai - 600 009.
3. The Director of State Rural Development Department,
Panagal Building, Saidapet, Chennai - 600 015.
4. The District Collector,
Kanyakumari District, Nagercoil - 629 001.
5. The Project Director,
District Rural Development Agency,
Nagercoil - 629 001.

... Respondents

PRAYER:

The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, to declare that the non-recommendation of the petitioner's name, the 'Samooga Vijgana Vizhippunarvoo Yeiakkam', the organization undertaken carried out the works and competed the same in respect of 59 Village Panchayats in 5 Blocks for NGP Award eligible under TSC Scheme along with President of the Panchayat, Block Chairman, despite recommendation and awarding of the NGP awards to 59 Presidents of Village Panchayats and 5 Chairman of



Blocks, taking into account the completion of works by the petitioner is illegal and invalid.

For Petitioner : M/s.A.Amal Raj

For Respondent : M/s.M.Rajendiran
Nos.2 & 5 Additional Government Pleader

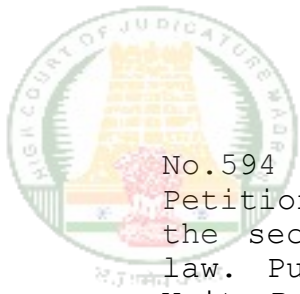
For Respondent
No.1 : No appearance

O R D E R

The first respondent had launched a Central Rural Sanitation Scheme in the year 1986 under auspices the Ministry of Rural Development to improve the quality of the life of the rural people and to provide privacy and dignity to women. In the year 2006-2007, the petitioner, which is a non-governmental organization has also taken up the project and done the works and performed various programmes in 46 Villages. For best performance, the Central Government gives an Award under the scheme called "Nirmal Gram Puraskar Scheme". The name of the petitioner was also recommended by the District Authority to the State Authority viz., State Rural Development Department, Chennai. The recommendation was returned by the Rural Development Department, who is the Coordinator as it was belatedly and therefore, the petitioner could not be considered.

2. The petitioner, by his letter dated 02.07.2007, addressed the District Rural Development Authority to resend their performance for reconsideration of the State Rural Development Authority. The District Rural Development Authority replied the petitioner that they have recommended the case of the petitioner to the State Rural Development Authority and that they have not received any reply. Thereafter, the petitioner made a representation to the respondents on 23.04.2007, in turn, the second respondent, State Rural Development Authority, has replied that so called representation had not reached the Director of Rural Development and it was not under the consideration of the Award for the year 2006-2007 by its letter dated 12.05.2008. Again, the petitioner made a representation to the second respondent. The second respondent, by its letter dated 27.01.2009, replied that the combined proposals for 62 Panchayats and 6 Block Panchayats and District Panchayat were received from the Project Officer, District Rural Development Agency, Nagercoil and the petitioner's case was returned as ineligible and the facts were communicated by letter dated 20.01.2008.

3. Thereafter, the petitioner filed Contempt Petition



No.594 of 2009 in W.P.No.37339 of 2009. The said Contempt Petition was closed with a direction to challenge the order of the second respondent dated 28.01.2009 in the manner known to law. Pursuant to that, the petitioner had preferred the above Writ Petition. Now that the petitioner seeks for declaration declaring non-recommendation of the petitioner's performance for consideration of the Award for the year 2006-2007 as illegal.

4. The first respondent filed a reply stating that they have recommended the petitioner but have not received any award from the State Government.

5. Now that the request of the petitioner for consideration for the Award was rejected as ineligible as early as 22.02.2007. The second respondent after having received repeated representations made by the petitioner had informed on 28.01.2009 that the petitioner was considered as ineligible and his application was returned.

6. From the materials placed before this Court, it is noted that the case of the petitioner was recommended by the fifth respondent, District Rural Development Agency, and it was returned by the second respondent, State Rural Development Department, on 20.01.2008 itself. Hence, the contention that the case of the petitioner was not recommended to the State is not correct. In fact, it was recommended and found ineligible. In such circumstances, the prayer sought for by the petitioner is not sustainable and accordingly, the Writ Petition stands dismissed.

7. The request insofar as considering the petitioner for the District Level Award is concerned, a direction is given to the fifth respondent, the Project Director, District Rural Development Agency, Nagercoil, to consider the case of the petitioner in respect of 62 Panchayats, where the petitioner had completed the works, and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

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MG(CO)
CT 18/04/2022