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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.6679 of 2019

R.Parvathi

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep by its Secretary,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai - 600 009.
2. The Director of Rural Development and Panchayat Raj,
O/o. The Director of Rural Development and Panchayat Raj,
Panagal Building,
Saidapet, Chennai - 600 015.
3. The District Collector,
Cuddalore District,
Cuddalore.
4. The Block Development Officer,
Mangalur Panchayat,
Cuddalore.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records connected with the impugned order passed by the 4th respondent in his proceeding No.Na.Ka.A1/390/2018 dated 26.11.2018 and to quash the same and consequently direct the 4th respondent to construct the dug well in the agriculture land of the petitioner.

For Petitioner : Mr.R.Thirumoorthy

For Respondents : Mr.M.Shahjahan
Special Government Pleader
for R1 to R3



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ORDER

Heard the learned counsel for the petitioner and the learned Special Government for the 1st to 3rd respondents.

2. The petitioner has challenged the impugned order dated 26.11.2018. By the impugned order, the petitioner has been informed by the 4th respondent/Block Development Officer that the request of the petitioner for granting of subsidy for a dug well cannot be considered on account of defects in the title of the petitioner, even though the petitioner was originally selected by the 4th respondent by an order dated 18.08.2017, as one of the beneficiary under the MGNREG Scheme. Subsequently, the 4th respondent by this order dated 26.11.2018 has rejected the application of the petitioner stating the application was not supported by proper documents. The petitioner has made out a prima facie case. Therefore, I am inclined to quash the impugned order by remitting the case back to the 4th respondent and to pass a fresh order. In case, the petitioner is otherwise entitled to the benefit under the MGNREG Scheme, the same shall be extended to the petitioner. This exercise shall be carried out by the 4th respondent within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is entitled to be heard before such order is being passed.

3. This writ petition stands disposed of with the above observations. No costs.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Government of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai - 600 009.
2. The Director of Rural Development and Panchayat Raj,
O/o. The Director of Rural Development and Panchayat Raj,
Panagal Building,
Saidapet, Chennai - 600 015.



3. The District Collector,
Cuddalore District,
Cuddalore.

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4. The Block Development Officer,
Mangalur Panchayat,
Cuddalore.

+1cc to the Government Pleader, S.R.No.34537

W.P.No.6679 of 2019

PL (CO)
UMA (24/06/2022)