

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.NO.15326 OF 2022

V.A.Manohar

.. Petitioner

Vs

- 1 The District Collector
Thiruvallur District
Thiruvallur.
- 2 The District Revenue Officer
Office of the District Collector
Thiruvallur, Thiruvallur District.
- 3 The Project Director
Office of the District Collector
Thiruvallur, Thiruvallur District.
- 4 The Block Development Officer
(Block Panchayats) / Commissioner
GNT Road, Solavaram, Chennai-600 067.
- 5 The Secretary
Solavaram First Grade Panchayat
Old Library Road, Solavaram
Chennai 600 067.

.. Respondents

Prayer :

Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the 1st respondent to take appropriate action on the representation sent by the petitioner dated 13.04.2022 and to conduct an enquiry regarding the misappropriation of government subsidy funds to a tune of Rs. 54 40 000/- meant for welfare schemes namely Indira Awaas Yojana (IAY) prime Minister Awaas yojana (Gramin) Chief Ministers Solar Powered Green Housing scheme Floor Relie Housing

scheme by disbursing the same to the non - existent houses and the persons above the poverty line and to take action against the erring officials within the time frame fixed by this Honble court.

For the Petitioner : Mr.T.R.Udaya Kumar

For the Respondents : Mr.P.Muthukumar
1 to 3 State Government Pleader

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The writ petition has been filed alleging inaction on the representation made by the petitioner dated 13.04.2022 to conduct an enquiry on the misappropriation of Government subsidy funds to the tune of Rs.54 Lakhs meant for Welfare Schemes viz., Indira Awaas Yojana (IAY), Prime Minister Awaas yojana (Gramin) and Chief Minister's Solar Powered Green Housing scheme.

2. If the allegation of misappropriation is made, it is not known as to why the petitioner did not make any complaint before the Department of Vigilance and Anti Corruption to register a case and investigate into such misappropriation. If the petitioner knows the details of the misappropriation, he could have filed an FIR which could have resulted in an investigation.

3. We find from the representation of the petitioner that, without taking the remedy provided under law the writ petition has been filed, as if the only remedy lies in the High Court and not elsewhere. A direction for investigation into the misappropriation can be given only when an FIR is lodged, otherwise any direction would be without compliance of the provisions of the Code of Criminal Procedure for causing investigation.

4. Thus, the writ petition is dismissed. No costs. However, the petitioner would be at liberty to take up the issue in the manner provided under law.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KST

To:

- 1 The District Collector
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+1cc to Mr.T.R.Udaya Kumar, Advocate, S.R.No.37854
+1cc to the Government Pleader, S.R.No.38205

W.P.No.15326 of 2022

KV(CO)
PM/28/06/2022