



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED **19.12.2022**

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 17495 of 2022

M.Jayarani

... Petitioner

..Vs..

1. The District Collector
Vellore.
2. The Executive Engineer
Tamil Nadu Slum Clearance Board,
Vellore Division
Vellore.
3. The Assistant Executive Engineer
Tamil Nadu Slum Clearance Board
Vellore Division
Vellore.
4. Ms. Kavitha
Junior Engineer
Office of the TNSCB
Vellore Sub Division
Vellore.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondents 1 to 3 to release the funds to the Bank account of the petitioner in accordance with the proceedings of the second respondent issued in RC.No. 001/A1/2018 dated 22.08.2019 within a time frame as may be fixed by this Hon'ble Court to consider the issue



that has arisen in the representations of the petitioner as submitted above, within a time frame as may be fixed by this Hon'ble Court.

For Petitioner	:: Mr. R.Lakshmi Narayanan
For 1 st Respondent	:: Mr. M. Muthusamy
For RR 2 & 3	:: Mr.M.Babu Muthu Meeran Standing Counsel for TNSCB
For 4 th Respondent	:: Mr. V.Dinesh Raja

ORDER

The Writ Petition has been filed in the nature of Writ of Mandamus seeking a direction to the respondents to release the funds to the Bank account of the petitioner in accordance with the proceedings dated 22.08.2019.

2. It was stated that the funds were to be released for the construction of a house and the funds were to be released in four instalments which was for construction of the basement, construction of the lintel level, concrete of the ceiling and at the completion of the the total construction. The amounts to be released were Rs.50,000/-, Rs.50,000/-, Rs.50,000/- and Rs.60,000/- in each one of the stages, totalling a sum of Rs.2,10,000/-.

3. It is complained by the respondents that the petitioner



had not even commenced work. However, there are some photographs produced along with the Writ Petition indicating that the petitioner had actually commenced work.

4. It is also stated by the respondents that on 24.08.2022, when the present Writ Petition is pending, they had communicated an order stating that the sanction had been cancelled by an earlier order dated 28.10.2020. There is no explanation given as to why the order dated 28.10.2020 was not communicated earlier to the petitioner herein. It cannot be communicated pending the Writ Petition.

5. The order dated 28.10.2020 is naturally set aside and the petitioner is directed to give a fresh representation. The respondents are directed to conduct a spot inspection of the premises of the petitioner to assess whether any construction has been put up by the petitioner, whether any funds had been released and whether the funds had been used for construction and thereafter give necessary opportunity to the petitioner and then pass further orders.

6. The inspection of the premises of the petitioner premises is to be conducted on or before 31.01.2023. Thereafter if the petitioner had actually put up constructions, further instalments may

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be released to the petitioner in accordance with the scheme and the release of the instalments shall be commenced on or before 28.02.2023.

7. With the above direction, the Writ Petition stands disposed of. No costs.

19.12.2022

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

To

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