



W.P.No.22687 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2022

CORAM :

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

W.P.No.22687 of 2022

P.Shakespheare

.. Petitioner

Vs

- 1.The District Collector,
Ariyalur District,
Ariyalur.
- 2.The Assistant Director,
District Administration,
Ariyalur District.
- 3.The Project Director/Joint Director,
District Rural Development Agency,
Ariyalur District.
- 4.The Regional Development Officer,
Tha. Pazhur Panchayat Union,
Ariyalur District.
- 5.The District Panchayat Secretary,
District Panchayat Office,
Ariyalur District.



W.P.No.22687 of 2022

6.The Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St. George,
Chennai-600 009.

.. Respondents

[Respondent No.6 suo motu impleaded in this order]

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 4 to take action against the 5th respondent and its office bearers for the illegal allotment and their misappropriations, based on the petitioner's representation dated 6.12.2021.

For the Petitioner : Mr.K.Gandhi Kumar

For the Respondents : Mr.M.Alagu Gautham
Government Advocate

ORDER

(Order of the court was made by D.KRISHNAKUMAR,J.)

The petitioner has filed the instant writ petition, styled as public interest litigation, alleging that as per Pradhan Mantri Awas Yojana - Gramin (PMAY-G) and Indira Awaas Yojana (IAY), the Government of India has taken initiative to provide affordable housing to the urban poor, but the fifth respondent and its office bearers are making illegal allotment and embezzling the funds sanctioned under the aforesaid schemes.



W.P.No.22687 of 2022

WEB COPY

2. According to the petitioner, during 2019-2020, the fifth respondent allotted houses for more than 23 persons, who were not members of Socio Economic and Cast Census (SECC) data, which is the basis for availing PMAY-G scheme. Further, during 2013-2014, the President and Secretary of the fifth respondent Panchayat allotted 2 or 3 houses for one person and so far, 11 persons were allotted more than one house under IAY scheme. According to the petitioner, during 2016-2019, the fifth respondent and officials misappropriated more than Rs.12 lakh meant for Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS).

3. Learned counsel for the petitioner submitted that misusing PMAY-G and IAY schemes, houses were allotted to ineligible persons for extraneous consideration and, therefore, directions may be issued to take action against the erring officials for allotting houses to ineligible persons and to allot houses under PMAY-G scheme only to the eligible persons.

4. In the writ petition, the petitioner has also furnished particulars of ineligible persons to whom benefits were extended. On



W.P.No.22687 of 2022

a perusal of the same, we find that allotment of houses was made to the following persons, who are stated to be ineligible, as they are either in government job or retired from government job:

SECC Benefit List Allotted Persons Government Employee

Boopathy S/o. Thangarasu	Dharmalingam (TN2319306)	Retired from Government Job
Sambusamy S/o.Ponnusamy	Samidurai (TN2211134)	TNEB
Devendiran	Devendiran (TN1847972)	Government Job

5. Highlighting the aforesaid particulars, learned counsel for the petitioner submitted that the office of Venmankondan Village Panchayat, including its President and Secretary, by manipulating the records, granted allotments to ineligible persons and, therefore, the petitioner has filed the instant writ petition to cancel such illegal allotments and also to take action against the erring officials.

6. Learned counsel for the petitioner further submitted that, on 6.12.2021, the petitioner has submitted a representation to



W.P.No.22687 of 2022

respondents 1 to 4, even though on 8.12.2021 the first respondent addressed a letter to the Block Development Officer (Village Panchayat), Tha. Pazhur requesting him to submit documents before the office of the Assistant Director, District Administration on 15.12.2021 in person, so far no enquiry was conducted and, therefore, the petitioner was constrained to file this writ petition in the larger interest of the public.

7. At this juncture, learned Government Advocate, on instructions, submitted that an enquiry was conducted qua the misappropriation and illegal allotments under various Government schemes in the Venmankondan Panchayat as alleged by the petitioner and the Enquiry Officer has submitted his report stating that the allocation for Venmankondan Panchayat for the year 2019-20 was 97 houses, of which, 25 beneficiaries were not placed in the SECC data. It was also found that the beneficiary selection was not in accordance with the stipulated procedure and, therefore, an explanation was called for from the Panchayat President and Secretary concerned. Since action has been initiated against the officials concerned for the illegal allotment of houses to ineligible persons and misappropriation



W.P.No.22687 of 2022

of funds, no direction needs to be issued in this writ petition and the writ petition may be closed.

8. Since serious allegation of allotment of houses to ineligible persons under PMAY-G scheme in Venmankondan Village Panchayat has been levelled and this Court has been quite often approached seeking identical relief alleging illegal allotment made by the officials in the State of Tamil Nadu and misappropriation of funds, in order to make the scheme foolproof, therefore we, *suo motu*, implead the Secretary to Government, Rural Development and Panchayat Raj Department, Fort St. George, Chennai-600 009, as respondent No.6 in the writ petition. Notice on behalf of the newly impleaded respondent is accepted by Mr.M.Alagu Gautham, learned Government Advocate. The Registry is directed to carryout necessary amendment in the writ petition.

9. Coming to the merits of the case, based on the finding of the Enquiry Officer, it is seen from the submission of the first respondent / Collector submitted that allotment has been made to persons, who are ineligible as per the PMAY-G Scheme. The said Scheme is



W.P.No.22687 of 2022

intended only for providing houses to weaker sections of the Society, but some of the officials of the Panchayats have involved in mud-sludging activities, which resulted in the object and purpose of the Act being defeated and therefore, it requires stringent action against those officials including concerned panchayat officials, who are involved in misappropriation of funds.

10. Right to residence and settlement, including facilities and opportunities to weaker sections of the society to make life meaningful and livable in equal status with dignity of persons, was held to be enjoined by Articles 38, 39, 46 and 19(1)(e) of the Constitution of India. It was held imperative for the State to provide housing accommodation to the poor under the housing schemes, where the weaker sections could have permanent settlement and residence assured under Article 19(1)(e) and 21 of the Constitution of India.

11. In the case on hand, as stated supra, violating the schemes, allotment of houses was made not only to ineligible persons, but the same person was allotted two or three houses. Such act of the fifth



W.P.No.22687 of 2022

respondent reeks of malafide. This certainly has to be restricted by framing a foolproof mechanism and no erring official should be allowed to go scot-free.

12. This Court has quite often seen that several writ petitions were filed before this Court seeking action against such illegal allotment of houses to ineligible persons and therefore, it is high time for the Government to issue suitable instructions to the District Collectors concerned for taking necessary action against the illegal allotment of houses.

13. In the light of the above, this Court passes the following directions”

(i) The newly impleaded sixth respondent, namely the Secretary to Government, Rural Development and Panchayat Raj Department, Government of Tamil Nadu shall issue necessary instructions to all the District Collectors concerned to give pivotal importance to this issue and take necessary action for verifying the records, genuiness of the allotment of houses to beneficiaries, to call for fund utilization under the Scheme and allotment of houses to those beneficiaries in each



W.P.No.22687 of 2022

village Panchayat by nominating responsible officers not below the rank of Revenue Divisional Officer to find out whether there is any irregularity and if any such deviation / illegality / irregularity is noted, the District Collectors concerned shall take necessary disciplinary action against those erring officials.

(ii) The aforesaid exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order and the District Collector concerned shall report to the sixth respondent at an earliest within the time prescribed by the sixth respondent.

14. With the above observation and direction, the writ petition is disposed of. There will be no order as to costs.

(D.K.K., J.) (T.V.T.S., J.)
22.11.2022

Index : Yes/No

bbr/jvm

To:

1.The District Collector,
Ariyalur District, Ariyalur.

2.The Assistant Director,
District Administration, Ariyalur District.



WEB COPY



W.P.No.22687 of 2022

D.KRISHNAKUMAR,J.

AND

T.V.THAMILSELVI,J.

Bbr/jvm

- 3.The Project Director/Joint Director,
District Rural Development Agency,
Ariyalur District.
- 4.The Regional Development Officer,
Tha. Pazhur Panchayat Union,
Ariyalur District.
- 5.The District Panchayat Secretary,
District Panchayat Office, Ariyalur District.
- 6.The Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai-600 009.

W.P.No.22687 of 2022

22.11.2022