



W.P.No.32284 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.12.2022**

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.32284 of 2022
and W.M.P.No.31688 of 2022

President

Rep by K.Senthil Kumar,
Northampoondi Panchayat,
Tiruvannamalai Panchayat Union,
Narthampoondi Village and Post,
Tiruvannamalai Taluk,
Tiruvannamalai District.

.. Petitioner

Vs.

1. The Director of Rural and Panchayat Raj,
Panagal Maligai,
Saidapet, Chennai.
2. The District Collector / Inspector of Panchayat,
Tiruvannamalai,
Tiruvannamalai District.
3. The Project Director,
Rural Development and Panchayat (Panchayat Department),
Tiruvannamalai,
Tiruvannamalai District.
4. The Block Development Officer,
Thurinjapuram Panchayat Union,
Thurinjapuram,
Tiruvannamalai District.

.. Respondents



W.P.No.32284 of 2022

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India seeking a Writ of Mandamus forbearing the respondents authorities to execute and release the payment for the following works namely (1) Rejuvenation of Thallari Kulam with Construction of Inlet and Outlet and Bathingghat with retaining wall at Ce.Andapattu in Narthampoondi panchayath; (2) Proceeding CC Pavement Near Government Hr.Sec.School @ Narthampoondi Panchayat (58m); (3) Providing CC Pavement at Ambedkar Nagar in Narthampoondi Panchayath (96m); (4) Providing CC Pavement at Old Nellimedu in Narthampoondi Pachayath (96m); (5) Providing CC Pavement at New Nellimedu in Narthampoondi Panchayat; (6) Construction of School Toilet at Government Higher Secondary School @ Narthampoondi Panchayat; (7) Construction of cycle stand at Government Higher Secondary School @ Narthampoondi Panchayath (Size 6.80 * 3.46); (8) Construction of Threshing floor at Pudu Nellimedu in Narthampoondi Panchayat; (9) Construction of Threshing floor at Narthampoondi in package No.TVM/2021-2022/86 in accordance with the provisions of AGAMT-2 scheme and Tamil Nadu Panchayat Act 1994 and other relevant Rules and Regulations.

For Petitioner : Mr.R.Rajarajan

For Respondents : Mrs.R.Anitha
Special Government Pleader

ORDER

This writ petition has been filed seeking a direction to the respondents not to execute and release the payment for the executed works.



W.P.No.32284 of 2022

WEB COPY 2. The grievance of the petitioner is that he is the President of Narthampoondi Village and the Government of Tamil Nadu implemented Anaithu Grama Anna Marumalarchi Thittam - 2 (AGAMP-2). As per the scheme, work has to be identified by the Village Panchayat and thereafter it shall be finalised by the Block Development Committee without getting proposals finalised by Block Development Committee. The Block Development Committee finalised three works and without approval of the Grama Sabha the tender has been called for nine works. The nine works have been executed at the cost of Rs.45.735 lakhs. Further without following the guidelines, the tender works have been allotted. Hence, this writ petition has been filed to forbear the respondents from releasing payment for the following works:

<i>S. No</i>	<i>Name of the Panchayath</i>	<i>Name of the Habitation</i>	<i>Name of the Work</i>	<i>Estimate Amount (in lakhs)</i>
1	Narthampoondi	Ce.Andapattu	Rejuvenation of Thallari Kulam with Construction of Inlet and Outlet and Bathingghat with retaining wall at Ce.Andapattu in Narthampoondi panchayath	7.325
2	Narthampoondi	Govt School Road	Proceeding CC Pavement Near Government Hr.Sec.School @	2.600



W.P.No.32284 of 2022

S. No	Name of the Panchayath	Name of the Habitation	Name of the Work	Estimate Amount (in lakhs)
			Narthampoondi Panchayat (58m)	
3	Narthampoondi	Ambedkar Nagar	Providing CC Pavement at Ambedkar Nagar in Narthampoondi Panchayath (96m)	4.260
4	Narthampoondi	Old Nellimedu	Providing CC Pavement at Old Nellimedu in Narthampoondi Pachayath (96m)	4.260
5	Narthampoondi	New Nellimedu	Providing CC Pavement at New Nellimedu in Narthampoondi Panchayat	4.260
6	Narthampoondi	Govt School Road	Construction of School Toilet at Government Higher Secondary School @ Narthampoondi Panchayat	5.170
7	Narthampoondi	Govt School Road	Construction of cycle stand at Government Higher Secondary School @ Narthampoondi Panchayath (Size 6.80 * 3.46)	5.390
8	Narthampoondi	New Nellimedu	Construction of Threshing floor at Pudu Nellimedu in Narthampoondi Panchayat	7.470
9	Narthampoondi	Narthampoon di	Construction of Threshing floor at Narthampoondi	5.000
	Package No.TVM / 2021-2022/86			45.735



W.P.No.32284 of 2022

3. Counter has been filed by the respondents. In the counter, it is the specific stand of the respondents that all the guidelines have been scrupulously followed and works have been identified by the Grama Sabha and in fact the petitioner has also participated in the Grama Sabha and signed as its President and approved the works. Therefore, oppose the writ petition.

4. The learned counsel appearing for the petitioner mainly contended that without following the guidelines of the scheme and without placing the nature of the work to be carried out before the Grama Sabha, the works have been allotted.

5. I have heard the learned counsel on either side and also perused the entire materials.

6. In the typed set of papers filed by the respondents, it is clearly indicated that Grama Sabha meeting was in fact headed by the petitioner herein and there was specific agenda namely Agenda No.3 to carry out the above 9 works in the village under the scheme. The Grama Sabha has unanimously approved the above 9 works. The petitioner has also signed as



W.P.No.32284 of 2022

the President of the Village. Having participated in the Grama Sabha and works have been identified and approved by the Grama Sabha, now the writ petition has been filed as if violating the scheme, works have been allotted.

7. This Court is of the view that the writ petition is nothing but an abuse of process of law and accordingly this writ petition deserves only to be dismissed and accordingly dismissed. At this stage, the learned counsel appearing for the petitioner seeks permission of this Court to withdraw the writ petition. As orders have already been passed, the permission as sought for by the learned counsel appearing for the writ petitioner is not acceded. Consequently, the connected miscellaneous petition is closed. No costs.

21.12.2022

Index : Yes / No
kk

To

1. The Director of Rural and Panchayat Raj,
Panagal Maligai,
Saidapet, Chennai.
2. The District Collector / Inspector of Panchayat,
Tiruvannamalai,
Tiruvannamalai District.



W.P.No.32284 of 2022

3. The Project Director,
Rural Development and Panchayat (Panchayat Department),
Tiruvannamalai,
Tiruvannamalai District.
4. The Block Development Officer,
Thurinjapuram Panchayat Union,
Thurinjapuram,
Tiruvannamalai District.



WEB COPY



W.P.No.32284 of 2022

N.SATHISH KUMAR, J.

kk

W.P.No.32284 of 2022
and W.M.P.No.31688 of 2022

21.12.2022