



W.P(MD)No.3548 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3548 of 2022

Lenin Raja

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Assistant Director (Panchayats),
Pudukkottai District,
Pudukkottai.

3.The Block Development Officer (Village Panchayats),
Avudayarkovil Village Panchayat Union,
Pudukkottai District.

4.The President,
Theeyathur Village Panchayat,
Pudukkottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to release the Bill amount of Rs.20,50,000/- to the petitioner for completion of tender work of dug up a bore well with all necessary motors and other electrical as well as machinery in Theeyathur Village, Audayarkoil Taluk, Pudhukottai District.



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For Petitioner : Mr.V.Kannan

For R1 & R2 : Mr.K.Balasubramani
Special Government Pleader

For R3 & R4 : Mr.A.K.Manikkam
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The writ petitioner is a resident of Theeyathur Village in Avudaiyarkovil Taluk in Pudukkottai District. The District Collector, Pudukkottai issued proceedings dated 03.06.2019 sanctioning the work of installing the borewell in Theeyathur Village. In fact, the said proceedings refer to 47 works in all. The work to be done at Theeyathur is figuring at Serial No. 35 in the said proceedings. The jurisdictional BDO was the authority to call for tenders for allotting the said works. It appears that there was no proper response to the said notification. The work came to be allotted in the name of the Panchayat Clerk by name A.Samykannu on 16.08.2021. A certificate has been issued by the BDO under the Panchayats of Avudaiyarkovil and the Assistant Engineer that the work has been completed and that it is being put to use by the general public. In the typed set of papers, the Final



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Contract Certificate containing the book measurements is also enclosed. A photograph has also been enclosed. The BDO has sent a letter dated 27.11.2021 to the Assistant Director of Panchayats, Pudukottai for release of funds. Alleging that the funds have not been disposed of so far, this Writ Petition came to be filed.

3. The learned counsel appearing for the respondents 3 & 4 would submit that when a proper work order has not been issued, the rules do not permit disbursement of the funds. No doubt, Government works will have to be carried out in a prescribed manner and there appears to have been a departure in the instant case. To this extent, I have to necessary endorse the stand of the learned counsel appearing for the respondents 3 & 4.

4. But the facts of the case also have to be seen. The District Collector had sanctioned the work. The work was also actually carried out. It is interesting to note that the petitioner is not seeking any payment for himself. He is only bringing it into the notice of the Court that work was done by the villagers themselves. The petitioner would be satisfied, if the funds are disbursed to the panchayat clerk in whose name the work was allotted. The Assistant Engineer as well as the Assistant Executive Engineer together with



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the Block Development Officer had certified that the work had been completed and that it is also being used by the members of the general public. When the materials on records convincingly demonstrate that the work has been completed, it is only just and proper that funds are disbursed. The first respondent is therefore directed to disburse the funds. Even though the work was sanctioned for a sum of Rs.20,50,000/-, it has been mentioned in the certificate that the value of the work carried out was only Rs.16,02,183/-. Therefore, the first respondent is directed to sanction and disburse the said amount in the name of the panchayat clerk. It is for the villagers to thereafter distribute the same among themselves. Disbursement shall be done within a period of four weeks from the date of receipt of a copy of this order.

5. The Writ Petition is allowed on these terms. No costs.

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Index : Yes / No
Internet : Yes/ No
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To

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- 3.The Block Development Officer (Village Panchayats),
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- 4.The President,
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G.R.SWAMINATHAN, J.

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