



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.4177 of 2022

Sundararajan

... Petitioner

Vs.

1.The District Collector,
Office of the Collectorate Building,
Sivagangai District.

2.The Block Development Officer,
Village Panchayat,
Block Development Office,
Thiruppuvanam,
Sivagangai District.

3.The Project Director,
Office of the Collectorate Building,
Sivagangai District.

4.The President,
Thiruppachethy Village Panchayat,
Thiruppuvanam Union,
Sivagangai District.

5.Karnan

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents No.1 to 4 to remove the name of the fifth respondent from the beneficiary list prepared by the second respondent on the Pradhan Mantri Awas Yojana Scheme in respect of Thiruppachethy Village Panchayat, Thiruppuvanam Union, Sivagangai District and allot the same to the eligible poor people by considering the petitioner's representation dated 26.02.2022.

For Petitioner	:	Mr.D.S.Haroon Rasheed
For R-1 and R-3	:	Mr.T.Amjad Khan Government Advocate.
For R-2 and R-4	:	Mr.Muthu Vijayan Special Government Pleader.



ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 4 to remove the name of the fifth respondent from the beneficiary list prepared by the second respondent under the Pradhan Mantri Awas Yojana Scheme in respect of Thiruppachethy Village Panchayat, Thiruppuvanam Union, Sivagangai District and allot the same to the eligible poor people by considering the petitioner's representation dated 26.02.2022.

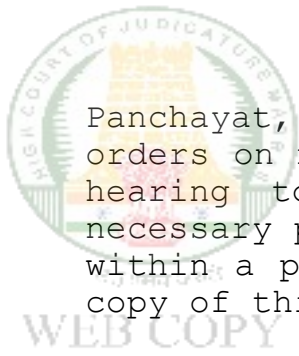
2. The petitioner who claims to be the resident of Thiruppachethy Village Panchayat and is also an elected ward member, claims that the fifth respondent, though not eligible to be a beneficiary under the Pradhan Mantri Awas Yojana Scheme, has become a beneficiary under the said scheme in respect of Thiruppachethy Village Panchayat, Thiruppuvanam Union, Sivagangai District. According to the petitioner, the said scheme is meant for eligible poor people and not to the case of the fifth respondent, who does not come under the said category. The petitioner has given a representation on 26.02.2022 to the official respondents, calling upon them to remove the fifth respondent as a beneficiary under the Pradhan Mantri Awas Yojana Scheme. Since the said representation has not been considered till date, he has filed this Writ Petition.

3. Heard Mr.D.S.Haroon Rasheed, learned counsel for the petitioner, Mr.T.Amjad Khan, learned Government Advocate, who accepts notice on behalf of the respondents 1 and 3 and Mr.Muthu Vijayan, learned Special Government Pleader, who accepts notice on behalf of respondents 2 and 4.

4. The petitioner claims that the fifth respondent is not entitled to become a beneficiary under the Pradhan Mantri Awas Yojana Scheme. But, however, he has been made a beneficiary under the said scheme. The petitioner also claims that the said scheme is meant for eligible poor people and not for the fifth respondent, who does not come under the said category. He has given a representation on 26.02.2022 to the official respondents, calling upon them to remove the fifth respondent as a beneficiary under the aforementioned scheme.

5. No prejudice would be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and the fifth respondent and other necessary parties, whom the respondents 1 and 3 deem fit to enquire.

6. Accordingly, this Court directs the respondents 1 and 3 to consider the petitioner's representation dated 26.02.2022, requesting them to remove the name of the fifth respondent from the beneficiary list prepared by the second respondent for the Pradhan Mantri Awas Yojana Scheme in respect of Thiruppachethy Village



Panchayat, Thiruppuvanam Union, Sivagangai District and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and the fifth respondent and other necessary parties, whom the respondents 1 and 3 deem fit to enquire, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.
To

- 1.The District Collector,
Office of the Collectorate Building,
Sivagangai District.
- 2.The Block Development Officer,
Village Panchayat,
Block Development Office,
Thiruppuvanam,
Sivagangai District.
- 3.The Project Director,
Office of the Collectorate Building,
Sivagangai District.
- 4.The President,
Thiruppachethy Village Panchayat,
Thiruppuvanam Union, Sivagangai District.

+1 CC to M/s.SPL GP (SR-11205[F] dated 10/03/2022)

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W.P. (MD) .No.4177 of 2022
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