



W.P.(MD)No.12217 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12217 of 2022

S.Chellammal

... Petitioner

Vs

1.The Secretary to the Union Government of India,
Pradhan Mantri Awas Yojana (Urban),
Ministry of Housing and Urban Affairs,
Nirman Bhavan,
New Delhi – 110011.

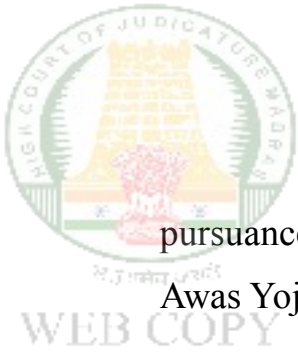
2.The Administrative Engineer,
Tamilnadu, Madurai Division,
Madurai District.

3.The Executive Engineer,
Tamil Nadu Urban Habitat Development Board,
169, K.K.Nagar Main Road,
Madurai – 20.

... Respondents

(R.3 *suo motu* impleaded vide order dated
17.06.2022 in W.P(MD)No.12217 of 2022)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 and 2 to consider the petitioner's request for sanction and disbursement of entire subsidy amount for the concrete house constructed at Door No.23AF/3, K.K.Nagar, West Street, Millgate, 26th Ward, Melur Taluk, Madurai District, in



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pursuance of the allotment order dated 07.01.2021 under the Pradhan Mantri Awas Yojana (Urban), 'House for All scheme'.

For Petitioner : Mr.S.Ramu

For Respondents : Mr.T.Mahendran
Central Government Standing Counsel for R.1

Mrs.S.Latha
Standing Counsel for R.2 & R.3

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Central Government Standing Counsel appearing for the Tamil Nadu Habitat Development Board.

2.The petitioner's husband, namely, P.Sundar was selected as a beneficiary under the Pradhan Mantri Awas Yojana(Urban), 'House for All' scheme. Proceedings dated 07.01.2021 were issued to that effect. The petitioner as per the terms of the said order is entitled to claim subsidy amount of Rs.2,10,000/- (Rupees Two Lakhs and Ten Thousand only). It is stated that the petitioner and her husband had been approaching a temporary technical staff employed in connection with the Scheme and based on the assurance given by him had gone ahead with the construction. The entire construction itself is now over. When they called upon the respondents 2 and 3 for disbursing the subsidy amount, the respondents took the stand that since the



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petitioner did not follow certain procedural aspects, the subsidy in question could not be released. That led to the filing of this writ petition. Notice was ordered.

3.The learned Standing Counsel appearing for the Tamil Nadu Urban Habitat Development Board drew my attention to the conditions attached to the order dated 07.01.2021. It was made clear that the beneficiary must inform the Board stage by stage and geo-tagging must have been done. In this case, even without such geo tagging, the petitioner had gone ahead with the entire construction. Since the conditions annexed to the order dated 07.01.2021 have been flouted by the petitioner and her husband, the question of releasing the subsidy amount does not arise at all.

4.There is considerable merit in the contention advanced by the learned standing counsel. But I want to take a holistic view. The purpose of releasing the subsidy amount stage by stage is to ensure that the beneficiary does not receive the subsidy amount without completing construction. The scheme has been introduced with a noble object that the beneficiaries under the scheme must put up the construction and reside therein. The petitioner's husband had completed the construction by now. Photographs have also been enclosed in



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the typed set of papers. I am more than satisfied that the object for which the scheme was introduced has been amply fulfilled in this case. Merely because the geo tagging was not done at the appropriate stage, that need not come in the way of granting relief to the petitioner herein. Only after completing the entire construction, the petitioner is seeking release of subsidy. Geo-tagging can be done even now and the appropriate details entered in the portal. These are purely procedural issues. The respondent must be satisfied if the construction has been completed or not. Once it is complete, the subsidy can very well be released.

5. Therefore, the respondents 2 and 3 are directed to conduct spot inspection. After satisfying themselves that the construction work is completed they shall enter the relevant details in the portal and credit the subsidy amount of Rs.2,10,000/- (Rupees Two Lakhs and Ten Thousand only) in the petitioner's husband account. The entire exercise will be completed within a period of eight weeks from the date of receipt of a copy of this order. This writ petition is allowed. No costs.

04.07.2022

Index : Yes / No
Internet : Yes/ No
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To

The Secretary to the Union Government of India,
Pradhan Mantri Awas Yojana (Urban),
Ministry of Housing and Urban Affairs,
Nirman Bhavan,
New Delhi – 110011.



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G.R.SWAMINATHAN, J.

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