



W.P(MD).No.11849 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.11849 of 2014

Puthiya Muthu

... Petitioner

-VS-

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Block Development Officer,
Ottapidaram Panchayat Union,
Ottapidaram,
Thoothukudi District.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent in connection with the impugned order in his proceedings in A1/1981/2012-3 dated 05.07.2014 and quash the same as illegal and arbitrary and consequently to direct the respondents to disburse the sanctioned amount of Rs.1 lakh to the petitioner with interest as per the work order in Na.Ka.No.Thi2/4444/2011, dated 30.11.2011 within the time limit that may be stipulated by this Court.



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For Petitioner : Mr.P.S.Samuel Gunasingh
For R1 : Mr.M.Lingadurai
Special Government Pleader
For R2 : Mr.R.Velmurugan

ORDER

This present writ petition has been filed challenging an order passed by the first respondent herein, under which he has declared that the petitioner is not eligible to get a house under the India Gandhi Memorial Housing Scheme.

2.According to the learned counsel for the petitioner, work order was issued for construction of a house. However, the sanctioned amount of Rs.1 lakh was not disbursed by the first respondent herein.

3.The first respondent had passed an order to the effect that some additional constructions have been made by the writ petitioner, which would clearly indicate that the petitioner is an affluent person and he is not eligible to get any benefit under the present scheme.



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4. Perusal of the impugned order indicates that, the petitioner, out of his hard earned money, has put up the additional constructions awaiting disbursement of the money. Hence, the petitioner cannot be considered as an affluent person to construct additional building. The petitioner has put up constructions only on the fond hope that the amount will be disbursed by the first respondent.

5. In view of the same, the impugned order passed by the first respondent is not sustainable. Accordingly, the impugned order is set aside and the writ petition is allowed and the respondents are directed to disburse the sanctioned amount. There shall be no order as to costs.

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Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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