



WP.No.393 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.393 of 2023

Rajkumar,
President, Madhanakopalapuram Panchayat,
No.56/1, Midle Street, A Puthur,
Siruthondamadevi Post,
Cuddalore District – 607 103.

... Petitioner

Vs

1. The Chief Secretary/Chief Minsiter Special Cell,
Government of Tamilnadu, Secretariat,
Chennai – 600 009.
2. The Principal Secretary,
Department of Finance,
Government of Tamilnadu, Secretariat,
Chennai – 600 009.
3. The District Collector,
Cuddalore District, Cuddalore 0 607 103.
4. The Block Development Officer,
Kurinjipadi, Cuddalore District.

.. Respondents



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Prayer:- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents to refund the amount of Rs.7,44,000/- spent by the petitioner based on the direction of the fourth respondent within a time frame fixed by this Court.

For Petitioner : Mr.A.Arun

For Respondents : Mr.K.Karthik Jeganath
Government Advocate

ORDER

This Writ Petition has been filed to direct the respondents to refund the amount of Rs.7,44,000/- spent by the petitioner based on the direction of the fourth respondent within a time frame fixed by this Court.

2. It is the case of the Writ petitioner that being a President of the Village Panchayat, during the Burevi cyclone, he has spent a sum of Rs.7,44,000/- for supplying food to the villagers. According to the petitioner, the amount has been spent only on the instructions of the fourth respondent. Therefore, he is entitled to refund of the amount of Rs.7,44,000/-. It is also placed reliance on the reply sent by the fourth



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respondent indicating that the representation of the petitioner is sent to the Government. Hence, the present Writ Petition has been filed for the aforesaid direction.

3. Mr.K.Karthik Jeganath, learned Government Advocate takes notice for the respondents. According to him, there is a statutory bar for refund of the amount which has been spent and there is no instruction from the Government. Therefore, there cannot be any direction to the Government for refund of the amount.

4. I have perused the entire materials. The grievance of the petitioner is that he has supplied food to the villagers during the cyclone 'burevi' and spent about Rs.7,44,000/- on the instructions of the fourth respondent. The learned Government Advocate appearing for the respondents submitted that absolutely, there is no written instructions whatsoever in this regard. Therefore, merely on the basis of oral instructions of the fourth respondent, the Government cannot be mulched with liability to pay the amount. It is a normal practice in every village, whenever there is a flood or heavy rain, food will be offered by the President of the village or prominent person.



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Merely adopting such a course, as a matter of right, such a direction cannot be sought from the Government.

5. Accordingly, this Writ Petition is dismissed. No costs.

09.01.2023

vrc

To

1. The Chief Secretary/Chief Minister Special Cell,
Government of Tamilnadu, Secretariat,
Chennai – 600 009.
2. The Principal Secretary,
Department of Finance,
Government of Tamilnadu, Secretariat,
Chennai – 600 009.
3. The District Collector,
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N.SATHISH KUMAR, J.

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