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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.12920 of 2023

Mrs.Boopathi Pandian

Petitioner

vs.

1.The Secretary,
Rural Development & Panchayat Raj,
Secretariat, St. George Fort,
Chennai – 600 009.

2.The Commissioner,
Rural Development & Panchayat Raj,
Panagal Building, Saidapet,
Chennai – 15..

3.The Collector,
Collector Office,
Tiruvarur.

4.The Assistant Director (Panchayat),
Collector Office,
Tiruvarur.

5.The Block Development Officer
(Village Panchayat),
Block Development Office,
Valangaiman, Tiruvarur District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 5th respondent herein to disburse the bill amount of Rs.4,95,000/- and Rs.2,53,643/- totaling amount of Rs.7,48,643/-



(Rupees seven lakhs fourty eight thousand six hundred and forty three only) for the civil work done by the petitioner under PMAGY (Pradhan Mantri Adarsh Gram Yojana) scheme at Valangaiamman Panchayat Union.

For Petitioner : Ms.S.Sasikala

For Respondents : Mr.S.Arumugam
Government Advocate for R1 to R4
Mr.M.S.Arasakumar
Government Advocate for R5

ORDER

Mr.S.Arumugam, learned Government Advocate takes notice on behalf of the respondents 1 to 4.

2.Mr.M.S.Arasakumar, learned Government Advocate takes notice on behalf of the 5th respondent.

3.This writ petition has been filed for issue of writ of mandamus directing the 5th respondent to disburse the amount that is due and payable to the petitioner for the work done by the petitioner under the Pradhan Mantri Adarsh Gram Yojana (PMAGY) Scheme at Valangaiamman Panchayat Union, Thiruvavarur District.

4.The grievance of the petitioner is that the petitioner was awarded work under the PMAGY Scheme and the work was completed as early as in the year 2016. The petitioner submitted the bill amount of Rs.7,48,643/- for the work done by him.



Since the same was not disbursed, a representation was also made by the petitioner to the 5th respondent. The representation did not evoke any response and hence, left with no other alternative, the present writ petition has been filed before this Court.

5.The learned counsel for the petitioner submitted that similarly placed persons had approached this Court and filed writ petitions and only after filing of the writ petition, the amount was disbursed to them by the Block Development Officer. Hence, the learned counsel submitted that similar direction can be issued to the 5th respondent to disburse the amount that is due and payable to the petitioner.

6.Per contra, the learned Government Advocate appearing on behalf of the respondents 1 to 4 submitted that the Block Development Officer had misappropriated some amounts and proceedings had to be initiated and ultimately, the amount was recovered and it has now been credited to the account of the District Collector. The learned counsel therefore submitted that the disbursement of amount will take place only from the office of the District Collector subject to the petitioner being entitled for the same.

7.In the considered view of this Court, the petitioner had completed the work as early as in the year 2016 itself and the bills have also been submitted. The petitioner has not been settled the amount for nearly seven years. If the Block



Development Officer had involved in misappropriation of amount, that cannot be a ground to unnecessarily delay the settlement of the amount due and payable to the petitioner for the work already completed. Taking into account, the submission of the learned Government Advocate, this writ petition can be disposed of by issuing necessary directions to the 3rd respondent viz., the District Collector.

8.This writ petition is disposed of with a direction to the District Collector, Thiruvavur to disburse the amount that is due and payable to the petitioner for the work undertaken under PMAGY Scheme based on the bill raised by the petitioner and this payment shall be made within a period of four weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 3rd respondent along with all the relevant documents and also a copy of this order. It is made clear that if the amount is not disbursed within time limited fixed by this Court, subject to the entitlement of the petitioner, any settlement thereafter will carry an interest of 9% from the date when the amount became due and payable till date of actual payment. No Costs.

27.04.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No

(2/2)

SSR



To

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N. ANAND VENKATESH, J.

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