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Writ Petition No.13493 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.13493 of 2023

V.S.Sureshkarthi
S/o.Subbarayan

... Petitioner

Vs.

- 1.The Secretary to Government,
State of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Secretariat, Fort St.George,
Chennai - 600 009.
 - 2.The Director of Rural Development and Panchayat Raj,
Chennai - 600 015.
 - 3.The District Collector,
Kallakurichi,
Kallakurichi District.
 - 4.The Project Director,
District Rural Development Agencies,
Kallakurichi,
Kallakurichi District.
 - 5.The Block Development Officer
(Village Panchayat),
Chinnasalem, Kallakurichi District.
- ... Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 3 and 5 herein to release the balance amount of Rs.6,90,105/- (Rupees Six Lakhs Ninety Thousand One Hundred and Five only) to the petitioner for the construction of individual Dug well (open well) under Mahatma Gandhi National Rural Employment Guarantee Scheme within a limited time frame to be fixed by this Court.

For Petitioner : Mr.P.Rajavel

For Respondents : Mrs.S.Mythreya Chandru
Special Government Pleader [R1 to R4]
Dr.S.Suriya
Additional Government Pleader [R5]

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the respondents 3 and 5 herein to release the amount that is due and payable to the tune of Rs.6,90,105/- (Rupees Six Lakhs Ninety Thousand One Hundred and Five only) for having undertaken the work under the MGNREG Scheme and completed the work.

2. Heard Mr.P.Rajavel, learned counsel for petitioner, Mrs.S.Mythreya Chandru, learned Special Government Pleader appearing for respondents 1 to 4 and Dr.S.Suriya, learned Additional Government Pleader appearing for fifth respondent.



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3. The case of the petitioner is that the Government issued

G.O.Ms.No.132, Rural Development and Panchayat Raj (CGS.1)

Department, dated 31.07.2020 for providing suitable infrastructure for irrigation which also include digging of Wells/Open Wells, farm ponds and other water harvesting structures. This work was allocated to the respective panchayat under the MGNREG Scheme during the year 2020-2021. The further case of the petitioner is that he submitted his application and the fifth respondent had also granted administrative/on line permission on 27.02.2021 at the cost of Rs.7,48,000/-.

4. The grievance of the petitioner is that the petitioner had completed the work by utilizing his own funds and even thereafter, the amount was not settled. A representation was made in this regard by the petitioner on 20.09.2021 and the same did not evoke any response. Left with no other option, the petitioner has filed the present writ petition.

5. Taking into consideration the facts and circumstances of the case and without going into the merits of the case, there shall be a direction to the respondents 3 and 5 to consider the representation made by the petitioner on 20.09.2021 and a decision shall be taken with regard



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to payment of amount to the petitioner within a period of six (6) weeks from the date of receipt of a copy of this order. It is made abundantly clear that if any amount is due and payable to the petitioner, it will be paid within the time fixed by this Court. If there is any delay in payment of the amount, the same shall carry interest at the rate of 7.5% p.a. from the date when it became due and payable till the date of actual payment. The petitioner is directed to make a fresh representation to the respondents 3 and 5 along with all relevant documents and also a copy of this order.

In the result, this Writ Petition is disposed of with the above direction. No costs.

28.04.2023

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order
gm

To

1.The Secretary to Government,
State of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Secretariat, Fort St.George,
Chennai - 600 009.



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2. The Director of Rural Development and Panchayat Raj,
Chennai - 600 015.

3. The District Collector,
Kallakurichi,
Kallakurichi District.

4. The Project Director,
District Rural Development Agencies,
Kallakurichi,
Kallakurichi District.

5. The Block Development Officer
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N.ANAND VENKATESH, J

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