



WEB COPY



W.P No.20511 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.20511 of 2023

and

WMP.No.19910 of 2023

Supriya

...Petitioner

Vs.

1. The District Collector,
Office of Collectorate,
Thiruvallur District.
2. The Project Director/Joint Director,
Tamil Nadu State Rural Livelihood Mission,
Thiruvallur District.
3. The Block Development Officer,
Kadambathur Block,
Kadambathur, Thiruvallur District.
4. Gomathi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents 1 to 3 from providing the shop to the 4th respondent.



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For Petitioner : Mr.R.Karunakaran

For Respondents

for RR1 & 2 : Mrs.S.Anitha, Spl.G.P.

for R3 : Mr.Mugilan, AGP

for R4 : Mr.A.L.Franc Paul Asirwadam

ORDER

The petitioner seeks issue of writ of mandamus forbearing the respondents 1 to 3 from allotting a shop to the fourth respondent.

2. According to the petitioner, 6 shops were constructed by the first respondent for allotment to Women Self Help Groups at Perambakkam Village, Thiruvallur Taluk on rotational basis. In the year 2006, 6 shops were allotted to certain persons and by virtue of the order passed by this Court all of them were vacated. Earlier, the husband of the fourth respondent, namely, Navanithakrishnan was allotted with a shop and subsequently, he was made to vacate in pursuance of the order passed by this Court in WP.Nos.10061, 10062 and 10067 of 2022.



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3. It is the case of the petitioner that the said Navanithakrishnan started a new self help group in the name of his wife, namely the fourth respondent and submitted an application for allotment of a shop afresh. The third respondent by his proceedings dated 02.12.2022 directed the Federation of Self Help groups to receive applications from the Women Self Groups functioning in Perambakkam Village and forward the same for consideration.

4. The petitioner claims she is representing Perambakkam Panchayat Level Federation. It is the case of the petitioner that only 18 applications were submitted before the Panchayat Level Federation and the third respondent at the time of finalysing the list forced the petitioner to include 2 other Self Help Groups including the fourth respondent.

5. However, the third respondent filed counter specifically denying the averments of the petitioner that she was forced to include 2 applications including that of the fourth respondent by the third respondent.

6. Though the learned counsel for the petitioner submitted that the petitioner was forced by the third respondent to include the application of the



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fourth respondent in the resolution of the Federation, she has not produced any material before this Court to show that the alleged coercion employed by the third respondent was immediately brought to the notice of the higher officials. Therefore, the said contention of the learned counsel for the petitioner cannot be accepted.

7. The second respondent in his counter has mentioned that from the application forwarded by the Panchayat Level Federation, the fourth respondent name was selected by lot and the shop will be allotted to the fourth respondent. It is also stated that there is no provision in the Rules preventing allotment of shops to the person to whom shop was already allotted.

8. It is the case of the petitioner that the husband of the fourth respondent was allotted a shop earlier and subsequently, he was vacated. In the case on hand, the fourth respondent was not allotted a shop earlier. In such circumstances, the petitioner has not made out any case for issuance of a Writ of Mandamus as prayed for. Accordingly, the Writ Petition is dismissed. However, if any formal order is passed allotting a shop to the fourth respondent, it is open to the petitioner to challenge the same in the manner



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known to law, if so advised. No costs. Consequently, connected miscellaneous petition is closed.

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

To

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S.SOUNTHAR, J.

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