



Writ Petition Nos.25982 & 25986 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition Nos.25982 & 25986 of 2021

and

W.M.P.Nos.27437, 27440, 27443, 27447, 27449 & 27450 of 2021

K.Elakkiya

W/o.Kannadasan

... Petitioner in both Writ Petitions

Vs.

1.The District Collector,
Tiruvallur District,
Tiruvallur.

2.The Project Director,
District Rural Development Agency
Tiruvallur District,
Tiruvallur.

3.The Block Development Officer,
Minjur Block (Village Panchayat),
Ponneri Taluk,
Tiruvallur District.

4.The Block Engineer/Assistant Engineer,
Minjur Block,
Ponneri Taluk,
Tiruvallur District.

... Respondents in both Writ Petitions



Prayer:

W.P.No.25982 of 2021

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 02.11.2021 in Se.Mu.Na.Ka.No.824/2021/A4 of the first respondent and quash the same and consequently, direct the respondents to consider the representation of the petitioner dated 17.06.2021.

W.P.No.25986 of 2021

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 02.11.2021 in Se.Mu.Na.Ka.No.1639/2021/A4 of the first respondent and quash the same and consequently, direct the first respondent to grant administrative sanction for construction of Panchayat Office Building at Pralayambakkam Village Panchayat based on the recommendation of the third respondent in Na.Ka.No.170/2021/A10 dated 26.10.2021.

For Petitioner : Mr.K.Mahendran
[in both petitions]

For Respondents : Mr.R.Kumaravel
[in both petitions] Additional Government Pleader
[R1 & R2]
Mr.G.Nanmaran [R3 & R4]



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COMMON ORDER

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The issue involved in both these writ petitions are common and hence, both these writ petitions are taken up together, heard and disposed of through this common order.

2. W.P.No.25982 of 2021 has been filed for issuance of a writ of mandamus directing the respondents to consider the representation made by the petitioner on 17.06.2021 wherein the petitioner has requested for providing basic facilities under the MGNREG scheme for Pralayambakkam Panchayat.

3. W.P.No.25986 of 2021 has been filed challenging the proceedings of the first respondent dated 02.11.2021 and for a consequential direction to the first respondent to grant administrative sanction for construction of Panchayat Office Building at Pralayambakkam Village Panchayat based on the recommendation made by the third respondent through proceedings dated 26.10.2021.

4. When these writ petitions came up for hearing on



20.04.2023, this Court passed the following order:

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"The common grievance that has been expressed by the President of Pralayambakkam Panchayat which falls within the Minjur Block is that this panchayat lacks even basic facilities and there is not even a panchayat office that is available to enable the elected members to function. The representation made by the petitioner on 17.06.2021 shows that the petitioner has been pleading for providing some minimum facilities to the panchayat. Even the allocation that was done under MGNREGS Scheme did not come to this panchayat. A status report has been filed by the Block Development Officer of the Minjur Panchayat Union. Some explanation has been given as to why the funds were not able to be allocated to the Pralayambakkam Panchayat.

2. In the considered view of this Court, some basic minimum facilities must be provided to this panchayat failing which, there will be no use in having elected members and no benefits will flow to the poor population that belongs to this panchayat. Considering the nature of grievance and to make an effort to provide for some facilities to this panchayat, this Court request the District Collector, Thiruvallur to attend the hearing through Video Conferencing on 25.04.2023 at 2.15 p.m. The District Collector shall collect the relevant particulars and shall assist this Court to grant some minimum facilities to Pralayambakkam Panchayat.

3. Post this case on 25.04.2023 at 2.15 p.m."

5. When these writ petitions were taken up for hearing today, as requested by this Court, Dr.Albi John Vargees, IAS, District Collector, Tiruvallur, was present through video conferencing mode. The District Collector stated that right from the year 2020-21 onwards, various



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schemes have been granted administrative sanction for the Pralayambakkam Panchayat, which falls within the Minjur Panchayat Union and from the year 2020-21 till 2022-23, the total works that have been allotted to this panchayat works out to a sum of Rs.2,11,82,054/-. The District Collector further stated that the Pralayambakkam Panchayat is considered in par with all the other panchayats and no discrimination is being shown. The District Collector further brought to the notice of this Court that already sanction has been accorded for construction of the panchayat building in Pralayambakkam village through proceedings dated 18.04.2023. The relevant proceedings were also placed before this Court.

6. A common counter affidavit has also been filed by the third respondent explaining the various schemes that were undertaken in the Pralayambakkam Panchayat from the year 2020-21 onwards. In the counter affidavit, it has been stated that the District Collector had already sanctioned approval for construction of new panchayat office building for Pralayambakkam Panchayat and even in the upcoming financial years, with the available fund position, further schemes will be implemented in the Pralayambakkam Panchayat.

7. Learned counsel for petitioner submitted that only after the



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filing of these writ petitions in the year 2021, some progress was made and only after the intervention of this Court, various steps have been taken by the District Collector.

8. In the considered view of this Court, status report that was filed by the Block Development Officer of the Minjur Panchayat Union in February 2021 did not give a clear picture as to the facilities that were provided to the panchayat and schemes that were allotted. Now having gone through the counter affidavit filed by the Block Development Officer and after hearing the District Collector, Tiruvallur, through video conferencing mode, this Court is convinced that the concerned Pralayambakkam Village Panchayat is not being discriminated and as and when the fund allocation is made, schemes are being allotted to this panchayat. In fact, the main grievance that was expressed by the petitioner to the effect that there was not even a panchayat building for the panchayat to function has now been attended to and all steps have been taken for construction of a panchayat building.

9. In the light of the above development, the common counter



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affidavit filed by the third respondent is taken on record and the submissions made by the District Collector, Tiruvallur, are recorded.

10. This Court appreciates the presence of the District Collector on the request made by this Court in order to explain the various steps that have been taken to provide various schemes and facilities to the Pralayambakkam Panchayat and also the immediate steps taken by the District Collector in according sanction for the construction of the Panchayat Office Building through proceedings dated 18.04.2023.

Accordingly, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

25.04.2023

Neutral Citation: Yes/No
Index: yes/no
Speaking Order/Non-Speaking Order
gm

N.ANAND VENKATESH, J



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gm

To

- 1.The District Collector,
Tiruvallur District,
Tiruvallur.
- 2.The Project Director,
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Tiruvallur.
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