



W.P.No.33422 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.33422 of 2022

and

WMP No.32861 of 2022

A.P.Chandran

... Petitioner

-Vs-

1. The Union of India
Rep. by its Secretary to Government
Ministry of Panchayat Raj, 11th floor
Jeevan Prakash Building
K.G.Marg New Delhi-110 001.
2. The District Collector /Chairman
District Rural development agencies
Thiruvallur District.
3. The Block Development Officer (VP)
R.K.Pettai Panchayat Union
Thiruvallur District.
4. The Secretary
Ammayar Kupam
Vilalge Panchayat
Thiruvallur District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the 2nd respondent from releasing the funds to the 4th respondent pursuant to the administrative sanction order issued in Se.Mu. Na.Ka. 830/2021/a4 dated 23.08.2021 by considering the petitioner's representation dated 11.11.2022.



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For Petitioner Mr.S.Palaniswamy

For Respondents Mr.S.Arumugam
Government Advocate
for R1, R2

Mr.T.C.Harinath
for R3, R4

ORDER

This writ petition was filed by the Union Counsellor of the Panchayat Union for the issue of a writ of mandamus forbearing the 2nd respondent from releasing the funds from the 4th respondent pursuant to the administrative sanction order issued in Se.Mu.Na.Ka. 830/2021/a4 dated 23.08.2021.

2.When the writ petition came up for hearing on 24.4.2023, this Court passed the following order:

The main grievance expressed by the petitioner, who is a Counsellor in the Panchayat Union is that the work is undertaken under the MGNREGS Scheme is handed over to a Contractor and the same goes against the very objective of the Scheme. The status report filed by the District Collector is not satisfactory. Even the counter filed by the Block Development Officer shows that the work has been handed over to Contractor. This Court has directed the District Collector, Thiruvallur, to appear through VC mode for a different case tomorrow. Let this case also be listed tomorrow to get some clarity from the District Collector.

2.Post this case under the caption for passing "further orders"on 25.04.2023.



3.The matter was taken up for hearing on 25.04.2023 and this Court passed the following order:

Pursuant to the order passed by this Court on 24.04.2023, Dr.Albi John Vargees, IAS, District Collector, Tiruvallur, was present through video conferencing mode. This Court pointed out to the District Collector the counter affidavit filed by the Block Development Officer wherein it has been stated that as if the work has done by the contractors. The District Collector stated that the work was not handed over to any contractor and the same is being carried out only with the help of the local people.

2. The proceedings of the District Collector dated 23.08.2021 categorically states that the cement road and the drainage work will be carried out under the MGNREG scheme by utilizing 1605 man days and the allotment of funds has also been specified in the proceedings. The Union Councillor, who had filed this writ petition brought to the notice of this Court certain photographs wherein it is seen that the drainage work is carried out with the help of JCB machines. By pointing out to these photographs, it was submitted that instead of utilizing the local people, JCB machines are being to put to use through the contractors. The District Collector on seeing the photographs stated that the JCB was used only for removing the hard stones at the initial stage and thereafter, the work will be carried out only with the help of local people. It was further stated that the payment has not been made since this writ petition is pending before this Court.

3. The District Collector stated that an additional affidavit will be filed before this Court by giving the clear particulars as to the number of persons, who are being engaged for carrying out the work and the District Collector requests for some time. It was further stated that the work has stopped for the last two months and everything has come to a standstill.

4. In the considered view of this Court the present stalemate cannot continue and on receipt of additional affidavit from the District Collector, final orders will be passed in this writ petition to enable the work to be commenced and necessary payments made to those who are engaged in the work.

Post this writ petition under the caption "for passing final orders" on 27.04.2023. Since the District Collector, Tiruvallur, has given the clarity, it will



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suffice if an additional affidavit is filed before this Court and it is not necessary for the District Collector to appear at the time of hearing.

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4.The matter was taken up for hearing today and as per the earlier directions issued by this Court, additional counter affidavit has been filed by the 2nd respondent viz., the District Collector. The relevant portions in the additional counter affidavit are extracted hereunder:

8.As per the inspection report, since few violations were noticed and no material and wage payment were made, hence in pursuance of the objectives of the MGNREG Act, which provide at least 100 days of wage employment to a household as well as the guidelines to use labour displacing machines, the Administrative Sanction accorded on Se.Mu.Na.Ka.830/2021/A4 dt.23.08.2021 has been cancelled.

9. It is submitted that Nominal Muster Roll (NMR) for employing workers under MGNREG Scheme was not generated and no MGNREG workers were employed. Since there is a violation of the MGNREG Scheme guidelines, necessary disciplinary action shall be against the Panchayat Secretary and Work Site Supervisor who are responsible for en compliance of scheme guidelines during the execution of the work.

10. It is submitted that the Village Panchayat will be instructed to meet out the expenses for the work from their local funds such that local villagers don't suffer, while their requirements are also met. Further, additional NMR shall be generated to provide work to MGNREG scheme workers to ensure their livelihood.

5.The learned Government Advocate appearing on behalf of the 2nd respondent submitted that the District Collector through proceedings dated 26.04.2023, had cancelled



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the administrative sanction that was granted on 23.08.2021. The learned Government Advocate further submitted that fresh steps will be taken to provide work under the Scheme for the local villagers and disciplinary action will also be taken against the Panchayat Secretary and the Supervisor.

6.In the light of the above development, the grievance expressed by this petitioner has been sufficiently acted upon and the illegality has been stopped. This Court directs the District Collector to ensure that the allocation of work is done in accordance with the objects of MGNREG Scheme and the local people are engaged in the said work.

7.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

27.04.2023

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Internet : Yes/No

Index : Yes/No

Speaking Order:Yes/No

Neutral Citation :Yes/No



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N.ANAND VENKATESH, J.

KP

To

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