



W.P. No. 32653 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 32653 of 2023

L.Robert Anthonysamy

... Petitioner

-VS-

1. The District Collector /
Inspector of Panchayat
Dharmapuri District
Collectorate
Dharmapuri – 636 701.
2. The Assistant Director of Panchayat
Dharmapuri District
Collectorate
Dharmapuri – 636 701.
3. The Block Development Officer
(Village Panchayat)
Karimangalam Panchayat Union
Karimangalam – 635 111
Dharmapuri District.
4. The Assistant Engineer
Karimangalam Panchayat Union
Karimangalam – 635 111
Dharmapuri District.
5. The Panchayat Secretary
Kethanahalli Village Panchayat
Kethanahalli – 638 808
Karimangalam Taluk
Dharmapuri District.

... Respondents



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to consider the representation of the Petitioner dated 14.03.2023, regarding the payment of the balance amount due to the petitioner with respect to the construction of Anganvadi Building at Ulagankottai Village and Village Panchayat Service Centre at Kethanahalli Village, Karimangalam Taluk, Dharmapuri District.

For Petitioner : Mr. P.Mani

For Respondents : Mr. M.Alagu Gowtham, GA (RR1, 2 & 4)
Mr. K.Kishore (RR3 & 5)

ORDER

Heard Mr. P.Mani, Learned Counsel for the Petitioner and Mr. M.Alagu Gowtham, Learned Government Advocate, who takes notice for the First, Second and Fourth Respondents and Mr. K.Kishore, Learned Counsel, who takes notice for the Third and Fifth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. It is the case of the Petitioner that while he was the President of Kethanahalli Village, Karimangalam Taluk, Dharmapuri District, a building was constructed for the Service Centre of the Village Panchayat for



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Boomathanahalli Village and a sum of Rs. 1,66,618/- remains unpaid towards the cost of construction and he had sent a representation dated 05.10.2021 to the Third Respondent followed by reminders, but as it did not evoke any response, it has necessitated the filing of the Writ Petition.

3. Learned Government Advocate appearing on behalf of the First to Fourth Respondents has filed memo dated 20.11.2023, which reads as follows:-

“ 2. I submit that the 3rd Respondent on his written instructions in Na. Ka. No. 4261/2023/A5 dated 18.11.2023 stated that if a proper recommendation comes from the 5th Respondent regarding the work completion and the pending amount. After receiving the recommendation, this Respondent will forward it to the 1st Respondent for necessary action.

3. It is submitted that being former president of the panchayat the Petitioner has no right to claim the pending amount before this Respondent and I also state that the MNREG works are being carried out by Departments by way village secretaries and funds utilized from the union and



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panchayat funds.

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4. *It is submitted that the writ petition filed by the petitioner is not maintainable for the plain reason that there is no justifiable rights involved in the prayer.”*

It is evident that there was no privity of contract between the Petitioner and the State for the said construction and the mere circumstances that the Petitioner was the President of the Village Panchayat at that time cannot confer any right on him for payment of the amount claimed. At the same time, it is incumbent upon the Fifth Respondent to verify whether the building has been properly constructed in accordance with the approved plan and stipulated conditions have been fulfilled and depending upon its outcome, a decision shall be taken and conveyed to the concerned authorities for making payment of the amount due, if any, to the persons entitled to receive it.

In the result, the Writ Petition is disposed with the aforesaid observations.

No costs.

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Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 31.05.2023.

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P.D. AUDIKESAVALU, J.

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