



W.P(MD)No.2610 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2023

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P(MD)No.2610 of 2023

A.M.Balasubramanian

... Petitioner

vs.

1. The District Collector,
Trichy, Trichy District.

2. The Commissioner,
Rural Development Department,
Commissionerate of Rural Development and Panchayat Raj,
Panagal Building, 4th and 5th Floor,
Jeenis Road, Saidapet,
Chennai-600015.

3. The Executive Engineer,
District Rural Development Office,
Collectorate Campus, Trichy-620001.

4. Assistant Executive Engineer(Road and Bridge),
District Rural Development Office,
Collectorate Campus,
Trichy-620001.

5. The Block Development Officer,
Thiruvarampur, Trichy-620 013.

6. Assistant Engineer,
Block Development Office,



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Thiruvarampur,
Trichy-620 013.

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7. The President,
Vallavanthan Kottai Post,
Thiruvarampur Taluk,
Trichy-620015.

8. K.Jayaraman

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to take appropriate action against the respondents 3 to 8 for the corruption indulged in laying the black top (Thar Road) Road at Annai Therasa Nagar Road, Vallavanthan Kottai, Thiruvarampur Panchayat Union, Trichy District, based on the petitioner's representation dated 19.12.2022 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.J.Imran Khan
For R1 to R6 : Mr.P.Thilak Kumar, Government Pleader

ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to take appropriate action against the respondents 3 to 8 for the corruption indulged in laying the black top (Thar Road) Road at Annai Therasa Nagar Road,



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Vallavanthan Kottai, Thiruvarampur Panchayat Union, Trichy District,
based on the petitioner's representation dated 19.12.2022 within the
time limit that may be stipulated by this Court.

2. On 09.02.2023, we passed the following order:-

"The serious allegation of the petitioner is that the respondents 3 to 8 misappropriated the fund allotted for laying of Thar Road at Annai Therasa Nagar Road, Vallavanthan Kottai, Thiruvarampur Panchayat Union, Trichy District. Therefore, pointing out the same, the petitioner made a representation dated 19.12.2022 to the respondents 1 and 2. Since the same has not been considered till date, he has filed this Writ Petition for a direction to the respondents 1 and 2 to take appropriate action against the respondents 3 to 8 for the alleged misappropriation of the fund.

2.In the light of the above, we direct the 1st respondent to conduct a detailed enquiry in this regard and if the enquiry reveals any irregularity, take action against the respondents 3 to 8 and file action taken report before this Court on 22.02.2023.

3.Mr.P.Thilak Kumar, learned Government Pleader takes notice on behalf of the respondents 1 to 6.

4.Notice to the respondents 7 and 8 through Court as well as privately returnable by 22.02.2023.

5.Post the matter on 22.02.2023 at 2.15 p.m."



3. Pursuant to the aforesaid order, the 1st respondent has conducted an enquiry and has filed a status report. The relevant portion of the same is as follows:-

"3. It is submitted that, administrative sanction accorded for the improvement of Annai Therasa Nagar earthen into Wet Bound Mecadem (WBM) road at an estimate cost of Rs.21.45 lakhs under MGNREGS 2019-20. It had the provision Granular Sub Base + WBM Gr-II. The work was completed. Subsequently to upgrade further, this WBM road is taken up for improvement to Block Topped (BT) road under TNRRIS 2021-2022 at an estimate cost of Rs.28.94 Lakhs. It has a provision of WBM Gr-III + BT. As per the standard operation procedure, Citizen Information Board for above said works were installed in starting point of the road, mentioning all the details of work. After the completion of WBM Gr.III, road was left for compaction and due to successive rain Block Topping work delayed. In the meantime, petitioner filed petition under RTI asking whether the road work was completed. Public Information officer of the Block Development Office in his reply letter Na.Ka.A3/3885/2022 dated 28.11.2022 wrongly stated that, TNRRIS work started on 04.04.2022 and work completed. Based on the reply the petitioner asked further informations under RTI Public Information Officer of the Block Development Office in his reply letter Na.Ka. A3/3885/2022 dated 19.12.2022 stated that, Block Topping not completed. Reply was sent through registered post and the petitioner acknowledged the receipt of reply Lr on 22.12.2022 knowing the fact and without seeking further



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clarification the petitioner approached this Hon'ble court on 05.02.2023 and suppressed the fact.

4. It is submitted that, Based on the Hon'ble Courts direction, I personally visited the spot on 18.02.2023. Now Block Topping completed. No fund were released so far and there is no misappropriation of fund. Disciplinary action initiated against the Public Information Officer, who gave wrong information to the petitioner."

4. Pursuant to the interim direction passed by this Court, the 1st respondent has inspected the road in question and has filed status report stating that black topping is not completed and no fund is released so far and that there is no misappropriation of fund. Further, disciplinary action is also initiated against the Public Information Officer who gave wrong information to the petitioner.

5. In the light of the aforesaid averments, no further order is required to be passed in this writ petition. Thus, recording the status report filed by the 1st respondent, this Writ Petition is disposed of. No costs.

NCC : Yes / No
Index : Yes / No
Internet : Yes

[D.K.K.,J.] & [L.V.G.,J.]
22.02.2023



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D.KRISHNAKUMAR, J.
and
L.VICTORIA GOWRI, J.

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ORDER MADE IN
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DATED : 22.02.2023