



W.P.(MD)No.3993 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 01.03.2023

DELIVERED ON: 13.04.2023

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HON'BLE TMT.JUSTICE L.VICTORIA GOWRI

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S.Sugumar

.. Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Assistant Director (Panchayat),
Ramanathapuram,
Ramanathapuram District.

3.The Block Development Officer,
Bogalur Union,
Ramanathapuram District.

4.K.C.Santha

5.Chinnal

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying for a Writ of Mandamus directing the respondents 1 to 3 to take



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suitable action against the respondents 4 to 6 so that the amounts illegally taken by them from the Government are recovered from them and to take further suitable action against the respondents 4 to 6 and pass suitable directions for the safety of the Sevvoor Panchayat, Bogalur Union, Paramakudi Taluk, Ramanathapuram District, by considering the petitioner's representation dated 02.02.2023.

For Petitioner : Mr.S.Asaithambi

For Respondents : Mr.P.Thilak Kumar
Government Pleader for R1 & R2

Mr.P.Thiraviyan,
Government Advocate for R3

ORDER

D.KRISHNAKUMAR, J.

This writ petition styled as a Public Interest Litigation is filed for a mandamus directing the respondents 1 to 3 to take suitable action against the respondents 4 to 6, so that the amounts illegally taken by them from the Government are recovered from them and to take further suitable action against the respondents 4 to 6 and pass suitable directions for the safety of the Sevvoor Panchayat, Bogalur Union, Paramakudi Taluk, Ramanathapuram District, by considering the petitioner's representation dated 02.02.2023.



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2. The petitioner is the resident of Sevvoor Panchayat in Ramanathapuram District and working as a Software Engineer in United States of America. The petitioner is also doing agriculture works in the said village through hired employees and relatives. According to the petitioner, 4th respondent is functioning as the President of Sevvoor Panchayat and the 5th respondent is her husband and the 4th respondent claims to have worked under the Mahatma Gandhi National Rural Employment Guarantee Scheme (100 days work) and unlawfully collected Rs.30,000/-, by committing breach of trust and caused wrongful loss to the Government. The petitioner further alleged that the 6th respondent, who is the brother of the 5th respondent, claims to have dug a well in Sevvoor Panchayat and has unlawfully collected a sum of Rs. 7,00,000/- by raising false bills and this is nothing but swindling the funds of the Government and in fact, no such well was dug by the 6th respondent. The petitioner also alleged that the 4th respondent has unlawfully approached the Government as if she is going to build a compound wall for the Government Primary School in the village and raised a bill for a sum of Rs.7,00,000/- and the workforce of the 100 days



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scheme work was utilized for the said purpose. According to the petitioner, several financial irregularities were done by the respondents 4 to 6 and in this regard, he has sent a representation dated 02.02.2023 to the respondents 1 to 3 through e-mail and since no action was taken, the petitioner was constrained to approach this Court by filing this writ petition, styled as a Public Interest Litigation.

3. The third respondent / Block Development Officer, Bogalur has filed a counter, denying the averments made in the writ petition and stated as follows:

(i) There is no bar for a Village Panchayat President to get enrolled as a beneficiary under the MGNREGS Scheme and the fourth respondent is entitled to hold a job card as per the existing guidelines under MGNREGS.

(ii) Wells dug are sanctioned under MGNREGS scheme for the benefit of marginal farmers with the aim of boosting cultivation activities in rural areas. Sevvoor Village Panchayat is situated on the river bed and the ground water is good and hence, the dug well was sanctioned under the Scheme for the year 2020-21 to a beneficiary, who unfortunately happens to be a brother-in-law of the Village



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Panchayat President / 4th respondent. Not only the beneficiary does avail the benefit of the dug well but also other farmers who own lands near the dug well.

(iii) The petitioner has not substantiated his claim that the 5th respondent had indulged in malpractices in Sevvoor Village Panchayat and unlawfully obtained contracts for public works and swindled Government money causing a loss to the exchequer.

(iv) Except the petitioner, no other people in the village panchayat have grievance with regard to either the functioning of the Village Panchayat President/4th respondent or interference of the 5th respondent in Panchayat Administration. Hence, the petitioner's contention that the husband of the Village Panchayat President, Sevvur, the 4th respondents is interfering in Panchayat Administration is totally false and therefore, the present writ petition is liable to be dismissed.

4. Heard the learned counsel for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader for the respondents 1 and 2 and Mr.P.Thiraviyan, learned Government Advocate appearing for the 3rd respondent and also perused the materials on record.



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5. When the matter came up for admission on 27.02.2023, this Court, taking into consideration the serious allegations raised by the petitioner, has directed the first respondent / District Collector, Ramanathapuram District to conduct a detailed enquiry with regard to the allegation of the petitioner as against the 4th respondent and to file a report before this Court on 01.03.2023 and also directed the 3rd respondent to appear in person before this Court on that day.

6. In compliance of the directions issued by this Court, the District Collector, Ramanathapuram District has filed the Inspection Notes at Sevvoor Panchayat and the same reads as under:

“1. Name of the work: Construction of compound wall at Sevor Middle School in Sevenor Panchayat, Bogahir Block, Ramanathapuram District

This work was inspected by me on 28.02.23. The warth work for colume work 16 Nos (1m x 1mx 1.20) was completed. Earth work for balance 11 columes are to be done Materials such as M.Sand, 40 mm metal and bricks (2000) No are available at the site.

Existing damaged compound wall was demolished (80 m)

Proportionate labour component was released to beneficiaries via PFMS (adjusted to the beneficiaries accounts)



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2. Name of the scheme: MGNREGS 2021-22

a) Administrative Sanction No.
2923006012/2021-2022/272957/AS dt.22.12.2021

b) Technical Sanction No.
2923006012/2021-2022/272957/15 dt. 22.12.2021

c) Work order Prc.T7/1419/2021, dated 23.12.2021

d) Estimate amount Rs.6,87,000/-

Labour component: Rs.59,960.92/- (205 mandays) @
Rs.273/- per day.

Material component: Rs.6,27,039 08/-

e) Labour Charges Payment in Rupees

1. Rs.13104/- (For the period 10/02/2022 to
16/02/2022), paid on 18.02.2022

2. Rs.13104/- (For the period 17/02/2022 to
23/02/2022), paid on 25.02.2022.

Total labour paid Rs 26,208/- (96 Mondays)

3. The Hon'ble Madras High Court Madurai Bench
may be pleased to find the Instruction notes here. I may be
allowed more time to conduct a detailed enquiry and submit
thereof.”

7. In view of the aforesaid report / Inspection Notes of the first
respondent /District Collector, Ramanathapuram District, this Court
directs the first respondent to conduct a detailed enquiry on the
petitioner's representation dated 02.02.2023 and after affording
opportunity to the petitioner and other interested parties, if any, shall take
appropriate decision and pass final orders within a period of twelve



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weeks from the date of receipt of a copy of this order.

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8. The Writ Petition stands disposed of with the above directions.

No costs.

[D.K.K., J.] [L.V.G., J.]
13.04.2023

Index:yes/no

Internet:yes

Jvm

To

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Assistant Director (Panchayat),
Ramanathapuram, Ramanathapuram District.
- 3.The Block Development Officer,
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&
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Order in
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