



W.P.(MD).No.5712 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN

W.P.(MD).No.5712 of 2023

S.Ganesaraj

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Executive Engineer,
District Rural Development,
Thoothukudi District.

3.The Assistant Executive Engineer,
Rural Development,
Tiruchendur, Thoothukudi District.

4.The Block Development Officer,
(Village Panchayat),
Sathankulam,
Thoothukudi District.

5.M.Antony Selvan

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 to



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take necessary action against the fifth respondent for the poor execution of water pipeline under Jal Jeevan Mission at Alagappapuram Village Panchayat and consequently direct the fourth respondent to provide Household Tap Connection in Alagappapuram Panchayat and ensure uninterrupted water supply to Alagappapuram Village Panchayat based on resolution dated 15.08.2022.

For Petitioner : Mr.M.Karunanithi

For Respondents : Mr.N.Muthu Vijayan
Special Government Pleader
for R1 to R3
Mr.R.Ragavendran
Government Advocate for R4
Mr.J.David Ganesan for R5

ORDER

This Writ Petition has been filed in the nature of Mandamus, seeking a direction against the respondents 1 to 4 to take necessary action against the fifth respondent who is a Contractor at Sathankulam, Thoothukudi District.

2. The grievance of the petitioner is that the fifth respondent was allotted the work for putting up water pipeline at Alagappapuram Village



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Panchayat. This was to provide water supply for about 500 houses in the said village. But it appears that the fifth respondent had not done the work to the satisfaction of the petitioner and there have been complaints that water pipelines had regularly broken and frequently damaged. This has affected the water supply. As a President, the public shifted their ire against the petitioner. To deflect the damages, he has now filed the present writ petition seeking a direction against the respondents 1 to 4 to initiate necessary action against the fifth respondent.

3. But, however, as Panchayat President, the petitioner has also necessary authority to initiate such action. If he has some hesitation on his part, he can always report the damages of the water pipelines and the expenses incurred in setting right those damages and forward a report to the Inspector of Panchayat/District Collector. But this Court cannot, in the absence of materials about the actual damage being caused, direct them to take action against the fifth respondent.

4. Though vakalat has been filed on behalf of the fifth respondent, there is no representation.



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5. Mandamus in this nature cannot be issued as against any one of the respondents. The onus is on the petitioner herein to make out a case that the fifth respondent had not discharged the contract entrusted to him to the satisfaction of all. Therefore, as Panchayat President, he must initiate action and also examine the authority which he has and forward a report for further action. It is for him to explore such aspects as against the fifth respondent. So far as the village Panchayat is concerned, the petitioner as President is the custodian not only of the records but also has responsibility to provide amenities to the residents. Since a direction is issued to the petitioner, this Writ Petition is disposed of. There shall be no order as to costs.

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Index: Yes/No
Internet: Yes/No
ssb

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C.V. KARTHIKEYAN, J.

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