



WP (MD) No.20304 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.20304 of 2022

A.Lakshmi

... Petitioner

Vs

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Block Development Officer,
Kalayarkovil Panchayat Union,
Sivagangai District.

3.The Panchayat President,
Maravamangalam Village Panchayat,
Kalayarkovil Taluk,
Sivagangai District.

4.Lakshmi

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondent Nos.1 and 2 to take necessary steps to conduct proper enquiry, based on the petitioner's representation dated 23.07.2022 within a stipulated time in accordance with law.

For petitioner : Mr.M.Prabhu

For Respondent : Ms.D.Farjana Ghousia,

Nos.1 to 3

Special Government Pleader



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ORDER

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The writ petition is filed for a writ of mandamus directing the respondents 1 and 2 to conduct enquiry based on the petitioner's representation dated 23.07.2022, which was given alleging that the Panchayat officials by fraud have taken the benefits meant for the petitioner.

2.The learned counsel for the petitioner submits that the petitioner's name is A.Lakshmi, D/o. Alagu Asari. She has made application under the Pradhan Mantri Gramin Awas Yojana for construction of house to the 2nd respondent Block Development Officer. The BDO has provided e-sanctioned order to the petitioner by order dated 18.09.2018. Therefore, the petitioner approached the 3rd respondent for disbursement of the amount under the scheme. However no amount was given to the petitioner on that scheme. Later on the petitioner came to know that taking advantage of the similarity of the names of the petitioner and the 4th respondent, the officials in collusion with the 4th respondent, have diverted the benefits sanctioned to the petitioner, to the account of the 4th respondent and illegally benefitted. In this regard, the petitioner has sent a representation on 23.07.2022 seeking for an enquiry and action as against the erring officials and the



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4th respondent. The petitioner's representation has not been considered by the respondents.

3.The learned Special Government Pleader appearing for the respondent Nos. 1 to 3 submits that the petitioner's name is A.Lakshmi, D/o. Alagu Asari and in the list of beneficiaries, the petitioner's name is also reflected. After publication of the beneficiary list, the officials commenced enquiry for willingness of the applicants for construction under the scheme. During the course of enquiry, the petitioner expressed her unwillingness to construct the house. While so for the very same scheme, the 4th respondent viz., A.Lakshmi, D/o. Alagu submitted an application vide application No.25002/4/2018 and she has also been selected as a beneficiary and issued with an e-sanction order on 18.09.2018 and initial amount of Rs.26,029/- was disbursed and it was credited in her account. He further submits that the if the petitioner submits an application afresh for constructing the house, under the PMAY scheme, the same would be considered in accordance with the future notification.

4.This Court considered the rival submissions and perused the materials placed on record.



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5.The petitioner claims that she made an application under the Pradhan Mantri Awaz Yojana Gramin scheme and she was selected as a beneficiary and issued with an e-sanctioned order dated 18.09.2018. The petitioner's grievance is that though she was selected as a beneficiary and was also issued with an e-sanctioned order by the 2nd respondent / BDO, the amount of the petitioner was diverted to the 4th respondent, taking advantage of the similarity of this names. However the respondents have taken a stand that the petitioner was selected under the scheme, but she has expressed her unwillingness and therefore, she was not provided with the benefits.

6.The Government of India has launched the scheme Pradhan Mantri Awaz Yojana Gramin scheme in the year 2015 with an aim to facilitate access to affordable housing for the low and moderate income residents of the country. Admittedly the petitioner was selected as one of the beneficiaries by the official respondents. The list of beneficiaries provided by the 2nd respondent shows that the petitioner's name finds place in Sl.No.49 with Awaz ID.No.104838981 as Lakshmi, D/O. Alagu Asari, whereas, the 4th respondent's name does not find place in the list. The 2nd respondent claims that the 4th respondent made application vide application No.TN25002/4/2018 and she is also one of the beneficiaries.



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However, there is no document produced by the 2nd respondent showing the name of the 4th respondent as a beneficiary. Considering the aim of the scheme, it has to be implemented in a fair and transparent manner and it should reach the deserving people. Though the 2nd respondent has taken a stand that the petitioner was unwilling to be a beneficiary under the scheme, no material has been placed before this Court to substantiate the same. On the other hand the petitioner is agitating the issue by filing this writ petition.

7. Accordingly this writ petition is allowed. The District Collector, Sivagangai shall consider the representation of this petitioner and release the grant to this petitioner as per the e-sanction order dated 08.10.2018 within a period of twelve weeks from the date of receipt of a copy of this order. The District Collector shall also conduct an enquiry within regard to this issue and to take appropriate action as against the officials responsible for the mischief if any.

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