



W.P(MD)No.20610 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.06.2023

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.20610 of 2019

A.Mohan

... Petitioner

Vs

- 1.Union of India,
Rep. by Joint Secretary/ Scheme Director,
Prime Minister Awas Yojana (Urban),
Ministry of Housing and Urban Affairs,
Nirman Bhawan,
New Delhi-110011.
- 2.The District Collector,
Tirunelveli District.
- 3.The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Tirunelveli Division,
NGO-B Colony Extension,
Perumal Puram,
Tirunelveli.
- 4.The Commissioner of Police,
Tirunelveli City Police,
Palayamkottai,
Tirunelveli.



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5.The Assistant Commissioner,
City Crime Branch,
Tirunelveli Junction,
Tirunelveli.

6.Mr.Majeeth,
Asst. Executive Engineer,
O/o. Executive Engineer,
Tamil Nadu Slum Clearance Board,
Ngo-B Colony Extension,
Perumal Puram,
Tirunelveli.

7.Mr.Subburaj,
Asst. Executive Engineer,
O/o.Executive Engineer,
Tamil Nadu Slum Clearance Board,
NGO-B Colony Extension,
Perumal Puram, Tirunelveli.

8.A.Siddique

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 3, 6 to 8 to complete the expansion construction work of the petitioner's house at No.15, Jai Hanuman Nagar, Tirunagar, Tirunelveli-627007 within a period that may be stipulated by this Court and also directing the respondents 6 to 8 to pay just and proper compensation to the petitioner towards the loss and sufferings made by them.



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For Petitioner	:Mr.Vasanth
For R1	:Mr.S.Karthick Central Government Standing Counsel
For R2 to R4	:Mr.Veerakathiravan Additional Advocate General Assisted by Mr.M.Siddharthan Additional Government Pleader
For R6, R7 & R8	:No appearance

ORDER

The writ petitioner, a Barber has purchased a house site to an extent 400 Sq.ft from the Tamil Nadu Slum Clearance Board in the year 1998 and put up a small house with asbestos roof and lived there with his family. The Hon'ble Prime Minister of India has announced a scheme for the houseless poor, viz., Pradhan Manthiri Awas Yojana ("House to all"). On knowing about this scheme, the petitioner has applied under the said scheme. This petitioner was also selected as one of the beneficiaries and he was informed by letter dated 16.12.2017 by the third respondent that this petitioner is entitled to get Rs.2,10,000/- for making construction at an estimated cost of Rs.3,50,000/-. With the above communication, the writ petitioner has approached the respondents 6 and 7, who are the



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Assistant Executive Engineers of the third respondent office at that relevant point of time, where it was informed that the sixth respondent would take care of the construction of the building and as such, the work has also been entrusted with the eighth respondent.

2.The petitioner, who appears before this Court as party-in person submits that the respondents 6 & 7 came to his house on 31.01.2018 along with eighth respondent and asked him to sign in an agreement form for construction. The said agreement was prepared in the name of the petitioner's father, who had already passed away and the conditions of the agreement were not prescribed. Therefore, the petitioner made a request to the respondents 6 & 7 to prepare a fresh agreement, but they convinced him that the agreement is only a formal one and the construction can be considered as per the plan. The petitioner has made various allegations on the execution of the work, more particularly, on the eighth respondent that he is a relative of the sixth respondent and he is acting as his benami. Under such circumstances, the petitioner has



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filed this writ petition in the year 2019 for a Mandamus to direct the respondents 3, 6 to 8 to complete the expansion construction work of the petitioner's house at No.15, Jai Hanuman Nagar, Tirunagar, Tirunelveli-627007 within a period stipulated by this Court.

3.The third respondent has filed a counter affidavit that the petitioner was selected as one of the beneficiaries by proceedings dated 16.11.2017 and he is entitled for availing a subsidy of Rs.2,10,000/-. The subsidy amount of Rs.2,10,000/- is disbursed stage by stage as Rs.50,000/- after basement level, Rs.50,000/- after lintel level, Rs.50,000/- after roof concrete and Rs.60,000/- after completion of all construction. In paragraph No.10 of the Counter affidavit,the role of the Tamil Nadu Slum Clearance Board and its guidelines are stated, which are extracted as hereunder:

1. Collection of documents (Aadhaar card, Ration card, Voter ID, Bank pass book, Land possession document, EC, Photograph of the site),
2. Issue of work order.
3. Continuous monitoring of the construction work
4. Geotagging of the various stages (after



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completion of foundation, lintel, roof and full finishing).

5. Release of installments of subsidy amount to beneficiary stage by stage as aforesaid.

Thus it is for the beneficiary to engage a contractor / builder of his own, purchase materials, commence construction and complete the same as per the plan, allow the Field Engineers to inspect the site and construction and submit their report for final payment. According to the third respondent, it is for the beneficiary to engage a contractor / builder and neither the Tamil Nadu Slum Clearance Board or its Engineer are no way connected with the construction or engaging a contractor or purchase of materials etc.

4.It is further stated that in the counter affidavit that the amount has been released to the petitioner as follows:-

Installments	Amount (in Rs.)	Date of release
I Installment	Rs.50,000/-	29.06.2018
II Installment	Rs.50,000/-	10.10.2018



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The third installment has not been provided to the petitioner that there was no progress on the construction.

5. Being not satisfied in the manner, in which the third respondent has filed the counter affidavit as if the third respondent is not having any responsibility except to issue the work order and to disburse the amount, this Court directed the officials to be present before this Court on 30.06.2023 along with relevant documents.

6. Considering the case of the petitioner, this Court appointed Mr. Vasanth, (Enroll. No. 375 of 2022), learned counsel as a legal aid counsel to contest this case.

7. Today (30.06.2023), when this writ petition is taken up for hearing, Mr. Veerakathiravan, learned Additional Advocate General, assisted by Mr. M. Siddharthan, learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 submits that as per the Scheme, namely, Pradhan Manthiri Awas



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Yojana (“House to all”), the Central Government is providing Rs.2,10,000/- to the beneficiaries, which has to be paid in four stages, on completion of each stage. It is the responsibility of the petitioner/beneficiary to complete the project with his funds and he can raise for the benefit under the Scheme. In this case, the petitioner/beneficiary has completed his construction work upto lintel level and hence a sum of Rs.1,00,000/- has been disbursed to the petitioner. Since the petitioner has not completed the further stage of the construction, he is not entitled for the benefits under the Scheme. He further submits that their role is to provide financial assistance and they are supposed to monitor the construction. With regard to the averment made as against the respondents 6 & 7, the learned Additional Advocate General submits that they are retired from service. Thus, the learned Additional Advocate General has reiterated the points as it reflects in the counter affidavit filed by the third respondent.



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8.The respondents 6 & 7, who are the responsible officers of the Slum Clearance Board during the relevant point of time have not appeared before this Court, despite receipt of notice.

9.This Court considered the rival submissions made and also perused the materials placed on record.

10.The petitioner was identified and selected as beneficiary, under the Pradhan Manthiri Awas Yojana (“House to all”) Scheme. As per the guidelines framed by the Government of India, the Slum Clearance Board officials are not only expected to identify the beneficiary and to issue the work order but also to monitor the construction work continuously. By referring that the petitioner has not proceeded with the construction, the Slum Clearance Board officials kept quiet despite having spent a sum of Rs.1,00,000/- . The petitioner has made specific averments as against the respondents 6 & 7. However, they have not disputed the allegations made as against them in this writ petition.



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11.Considering the fact that the petitioner, who was identified as a beneficiary and started construction in the year 2018 is not in a position to enjoy the ultimate benefit of the scheme, under which he was selected and the fact that this writ petition is pending from the year 2019, this Court is inclined to dispose of this writ petition with the following directions:-

- i. The third respondent is directed to help the petitioner in completing the project at the earliest.
- ii. Since there is a specific averment made as against the respondents 6 & 7 and the respondents 6 & 7 have not responded to this writ petition, this Court is of the view that the averments made as against the respondents 6 & 7 have been proved and also considering the fact that they have been impleaded in their individual capacity, a cost of Rs.50,000/- is imposed on them, which has to be recovered from the respondents 6 & 7. The District Collector, Tirunelveli shall initiate appropriate action



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under the Revenue Recovery Act for recovering a sum of Rs.50,000/- each from the respondents 6 & 7 and the same shall be utilized for Madurai Kalaighnar Centenary Library.

iii. The Deputy Superintendent of Police, Tirunelveli shall register a complaint as against the respondents 6 & 7 on the averments made in this writ petition and conduct an investigation as to whether the respondents 6 & 7 have influenced the other beneficiaries under the above mentioned Scheme and file a report before this Court.

iv. The investigation agency shall also find out the truth as to whether the respondents 6 & 7 have abused their powers and influenced the beneficiaries by engaging a contractor and if so, necessary criminal case has to be registered as against the concerned officers.



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- v. Considering the anomaly in the implementation of this Scheme introduced by the Central Government, the first respondent / the Joint Secretary, Scheme Director, Prime Minister Awas Yojana (Urban), Ministry of Housing and Urban Affairs is directed to issue guidelines and the responsibility on the officers either by the Government of India or by the Tamil Nadu Slum Clearance Board, to ensure that the benefits of the Scheme reach the beneficiaries as intended by the Government.

12. Accordingly, this writ petition is disposed of. No costs.

30.06.2023

NCC : Yes / No.
Index : Yes / No.
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B.PUGALENDHI, J

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