



W.P(MD)No.24523 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2023

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**W.P(MD)No.24523 of 2022
and
W.M.P(MD)No.21050 of 2022**

K.Arun

... Petitioner

Vs.

1.The Principal Secretary

The Ministry of Rural Development Department,
Government of Tamil Nadu,
Secretariat,
Fort St, George,
Chennai - 600 009.

2.Principal Secretary

Housing and Urban Development Department,
Fort St. George,
Chennai 600 009



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3.The Director of Town and Country Planning,
Office of the Director of Town and Country Planning,
Annasalai,
Chennai 600 002

4.The Deputy Director of Town and Country Planning,
Office of the Deputy Director of Town and Country Planning,
Madurai Region,
Madurai.

5.The District Collector
Office of the District Collector,
Madurai.

6.The Project Director (DRDA)
Collector Office,
Madurai.

7.Block Development Officer
Thirumangalam Block,
Madurai District.

8.The Panchayat President
Urappanur Village,
Madurai District.

.. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of
India, to issue a Writ of Mandamus directing the respondent No.1 to 6



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immediately take necessary action to restrain the respondent No.7 and 8 from spending public fund sanctioned under DRDA Scheme for the promotion of land belongs to private land promoter; directing the respondent No.1 to 5 issue guidelines to implement the DRDA scheme or any other scheme introduced by the State Government as well as Central Government especially in laying roads in accordance with the objectives of the concerned schemes; directing the respondent No.1 and 5 to take necessary action against the respondent No.7 and 8 for embezzlement of public fund sanctioned under DRDA Scheme; directing the respondent No.1 to 6 to ensure that the road, common space and OSR lands in the approved layout/unapproved layout are gifted to the local bodies before sanctioning any facilities under scheme.

For Petitioner : Mr.M.Vivek Bharathi

For Respondents : Mr.P.Thilak Kumar - for R1 to R6

Government Pleader

Mr.S.P.Maharajan - for R7 & R8

Special Government Pleader

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Heard Mr.M.Vivek Bharathi, learned counsel for the



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petitioner, Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents 1 to 6 and Mr.S.P.Maharajan, learned Special Government Pleader appearing for the respondents 7 and 8.

2. The learned counsel for the petitioner submits that the respondents 7 and 8 have committed serious misconduct by providing road facility to unapproved layout without any gift deed executed in favour of the Village panchayat. No facilities can be provided to an unapproved layout, the amount under the DRDA Scheme cannot be spent on private roads and the same was sought to be done by the respondents 7 and 8.

3. The learned Government Pleader, on instructions, submits that the work order issued has been cancelled on 05.06.2023 and the work had been shifted to other place. No amount under the DRDA scheme is spent for the repairs or constructions of private or unauthorized roads.

4. The statement is accepted.

5. The another prayer made by the petitioner is that the respondents 1 to 5 shall issue guidelines to implement the DRDA



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scheme or any other scheme introduced by the State Government or Central Government.

6. The guidelines and the schemes are in place. The amount has to be spent in accordance with the scheme. Any deviation thereto is not permissible. Naturally action can be taken against the erring Officials, if they flout the schemes

7. As the work order issued itself is cancelled, the purpose of the Writ Petition stands served.

8. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.V.G., C.J.]

[C.K., J.]

30.08.2023

Index : Yes / No
Neutral Citation : Yes / No
RM



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