



W.P. No. 1094 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 1094 of 2024

P.Thangarasu

... Petitioner

-VS-

1. The District Collector,
Kancheepuram District.
2. The Manager,
Pradhan Mantri AWAS Yojana (GRAMIN),
Kancheepuram District.
3. The Block Development Officer,
Walajabad,
Kancheepuram District.
4. The Assistant Director (Panchayats),
Kancheepuram District.
5. Ramkumar,
Panchayat Secretary,
Purisai Paanchayat,
Walajabad,
Kancheepuram District.
6. Siva Kalaiselvan,
Block Development Officer,
Walajabad,
Kancheepuram District.
7. Komathi,
Deputy Block Development Officer,
Walajabad,
Kancheepuram District.

... Respondents



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First to Fourth Respondents to consider the Petitioner's representations dated 12.12.2022, 09.03.2023 and 10.07.2023 consequently direct the First to Fourth Respondent to get back the amount which was already allotted to the Petitioner's family.

For Petitioner : Mr. S.N.Subramani

For Respondents : Mr. P.Ganesan
Additional Government Pleader
(for R1 and R4)

No appearance (for R2)
Mr. U.Baranidaran (for R3)
Mr. M.Elumalai (for R5 & R6)
Not ready in notice (for R7)

ORDER

Heard Mr. S.N.Subramani, Learned Counsel for the Petitioner, Mr. P.Ganesan, Learned Additional Government Pleader appearing for the First and Fourth Respondents, Mr. U.Baranidharan, Learned Counsel for the Third Respondent and Mr. M.Elumalai, Learned Counsel for the Sixth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the First to Fourth Respondent to pass orders on the representations dated 12.12.2022, 09.03.2023



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and 10.07.2023 made by the Petitioner to get back the amount which was already allotted to his family.

3. In furtherance of the order dated 19.01.2024 passed by this Court, the Third Respondent has filed Counter-Affidavit dated 26.02.2024 stating as follows:-

“3. I submit that the Petitioner and his family had migrated to Srikalikapuram village of R.K.Pet Block, Thiruvallur district as early as in the year 2012. I further submit that a new job card under MGNREGA bearing number 1235 was issued in favour of Anandhi W/o Panchalam (Mother of the Petitioner) and the said job card was also registered on 21.03.2012.

4. I submit that a house was also allotted in the name of Petitioner's mother Anandhi W/o. Panchataram under PMAY – TNSCB during 2018-2019 and a pucca house was also constructed.

5. I submit that the beneficiary under PMAY (G) scheme was selected out from Socio-Economic and Caste Census (SECC) data which is made available in online portal. I



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further submit that since SECC data is not regularly updated and the Petitioner's family has migrated from the village as early as 2012, the beneficiary Panchatcharam could not be found easily.

6. *I submit that due to similarity in names, the house was wrongly sanctioned in the name of one Mrs.Panchalai W/o. Panchatcharam, who is also residing in a hut. I further submit that based on the complaint made by the Petitioner an enquiry was conducted and charges were also framed against 7 erring officers under TNCS (D & A) Rules, rule 17 (b) vide charge memo in Na.Ka.230/2023/Pa.Aa.1, dated 13.06.2023 and the enquiry on the said charges is under process. I submit that charges have been initiated against the following officers:-*

- i. *Mr.Kalaiselvan, Block Development Officer, Walajabad.*
- ii. *Mr.Srinivasan, Block Development Officer, Walajabad.*
- iii. *Mrs.Gomathi, Zonal Deputy Block Development Officer, (Zone – 5),*
- iv. *Mr.P.Srinivasan, Deputy Block*



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Development Officer, Walajabad.

v. *Mrs.M.Meena, Deputy Block Development Officer, Walajabad.*

vi. *Mrs.Karthikadevi, Overseer, Walajabad.*

vii. *Mr.Ramkumar, Panchayat Secretary, Purisai.*

7. *I submit that the Petitioner has suppressed the fact that his family had migrated from Purisai Village, Kancheepuram District to Srikalipuram Panchayat, R.K.PET, Thiruvallur District and the Petitioner has also suppressed that a house was allotted to Petitioner's mother in the said panchayat and a house has also been constructed there.*

8. *I submit that the Petitioner is not eligible for another house under PMAY scheme, since he was already allotted a house in his present village i.e Srikalipuram Panchayat in PMAY scheme for the year 2018-2019. In such a scenario, the Petitioner's prayer to get back the amount which was allotted to the Petitioner, does not arise. I further submit that charge memo under 17(b) has been issued to the erring officials.”*



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In view of the aforesaid action taken, nothing remains for further consideration in the Writ Petition, but if the Petitioner still has any grievance to be redressed in the matter, he is not precluded from working out his rights before the proper forum in the manner recognized by law.

In fine, the Writ Petition is disposed with the aforesaid observations. No costs.

27.02.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 25.03.2024.

gsa

To

1. The District Collector,
Kancheepuram District.
2. The Manager,
Pradhan Mantri AWAS Yojana (GRAMIN),
Kancheepuram District.
3. The Block Development Officer,
Valajabad,
Kancheepuram District.
4. The Assistant Director (Panchayats),
Kancheepuram District.



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Copy to

Komathi,
Deputy Block Development Officer,
Walajabad,
Kancheepuram District.



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P.D. AUDIKESAVALU, J.

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