



WEB COPY



W.P.No.21920 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

**W.P.No.21920 of 2024**

M.Kaliyaperumal

... Petitioner

-Vs-

1. The Secretary To Government  
State Of Tamilnadu,  
Rural Development  
And Panchayat Raj Department,  
Secretariat, Fort St.George,  
Chennai-600 009
  2. The Director of Rural Development And Panchayat Raj,  
Chennai-600 015.
  3. The District Collector,  
Kallakurichi, Kallakurichi District.
  4. The Project Director,  
District Rural Development Agencies,  
Kallakurichi, Kallakurichi District.
  5. The Block Development Officer (Village Panchayat),  
Chinnasalem, Kallakurichi District.
- ... Respondents

**Prayer :** Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the 3<sup>rd</sup> and 5<sup>th</sup> respondents herein to appropriate action for the construction of individual Dug well (Open



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well) under Mahatma Gandhi National Rural Employment Guarantee Scheme vide administrative Sanction No.2904018019/2020-2021/392940/AS dated 26.08.2020 granted by the 3<sup>rd</sup> respondent to the petitioner Patta No.121 property situated at Kuthiraichandal Village, Kallakurichi Taluk and District.

For Petitioner : Mr.P.Rajavel

For R1 to R3, R5 : Mr.C.Kathiravan  
Special Government Pleader

For R4 : Mr.Vadivelu Deenadayalan  
Additional Government Pleader

**ORDER**

This writ petition has been filed for direction directing the 3<sup>rd</sup> and 5<sup>th</sup> respondents herein to grant clearance to dug up the Well under Mahatma Gandhi National Rural Employment Guarantee Scheme vide administrative Sanction No.2904018019/2020-2021/392940/AS dated 26.08.2020.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner owned patta land under Patta No.121 situated at Kuthiraichandal Village, Kallakurichi Taluk and District. The petitioner is doing agriculture in the said patta land. While being so, the Government issued an order in G.O.(Ms).No.157, Rural Development and Panchayat Raj (CGS.1) Department, dated 29.10.2019 and G.O.(Ms).No.132, Rural Development and



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Panchayat Raj (CGS.1) Department, dated 31.07.2020, thereby ordered to provide suitable infrastructure for irrigation including Dug Wells (open Wells), farm ponds and other water harvesting structure. The construction of 1000 open Wells for individuals and 1000 Community Wells is permissible under Mahatma Gandhi National Rural Employment Guarantee Scheme during the year 2019-2020. In the said scheme, the petitioner submitted an application before the fifth respondent for digging up Well for irrigation purpose.

4. On receipt of the application, the fifth respondent considered the application and granted Administrative sanction on 26.08.2020, at the cost of Rs.7,52,000/- under the said scheme. Thereafter, field inspection was conducted and verified with the FMB sketch for preparing report. Accordingly, prepared a report and submitted before the third respondent and the third respondent also granted administrative sanction by its communication dated 26.08.2020. However, no amount has been sanctioned so far to dig up the Well.

5. In view of the above facts and circumstances of the case, the respondents 3 and 5 are directed to act as per the sanction accorded by the respondents 3 to 5 dated 26.08.2020 and to dig up the Well in the patta land owned by the petitioner under Patta No.121 situated at Kuthiraichandal Village,



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Kallakurichi Taluk and District, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

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Internet: Yes

Index : Yes/No

Speaking/Non Speaking order  
mn



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**G.K.ILANTHIRAIYAN. J.**

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