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W.P.Nos.23700 of 2022 & 30867 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2024

CORAM:

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

W.P.Nos.23700 of 2022 & 30867 of 2023

W.M.P.Nos.22638 & 22641 of 2022

W.P.No.23700 of 2022 :-

M/s. Maithiri Land Investments,
Rep. by its Managing Partner,
M.Anurag,
No.100, Gaudia Mutt Road,
Royapettah,
Chennai – 600 014.

...Petitioner

-Vs-

1. The District Collector/Chairman,
District Rural Development Agency,
Tiruvallur District, Tiruvallur.
2. The Block Development Officer,
Sholavaram Panchayat Union,
Sholavaram, Tiruvallur District.
3. The Assistant Executive Engineer,
Sholavaram Panchayat Union,
Sholavaram, Tiruvallur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the first respondent in his proceedings



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Na.Ka.No.4427/2020/A2, dated 11.08.2022 and quash the same.

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For Petitioner : Mr. B.Manoharan
For Respondents
For R1 : Mr.V.Manoharan
For R2 & R3 : Mr.S.Ravichandran
Additional Government Pleader

W.P.No.30867 of 2023 :-

TCI Express Limited,
Having its Registered Office at
Flat Nos.306 & 307, 1-8-273,
Third Floor,
Ashoka Bhoopal Chambers,
S.P.Road, Secunderabad 500000.
Regional Office at
No.92, IV Floor, Gee Ge Crystal,
Dr. Radhakrishnan Salai, Mylapore,
Chennai – 600 004,
Rep by its Authorized Signatory/Regional Head
Ajay Semwal

...Petitioner

-Vs-

1. The Secretary,
Department of Municipal Administration,
Government of Tamil Nadu,
Secretariat, Fort,
Chennai – 600 009,
Tamil Nadu.
2. The District Collector,
Thiruvallur,
Master Plan Complex, NH 205,
Chennai-Tiruttani Highway,
Thiruvallur – 602 001.
3. The Tahsildar, Ponneri,
Thiruvallur District.
(R3 Suo Motu impleaded as



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order dated 08.01.2024 in
W.P.No.30867 of 2023)

... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to consider the representations dated 29.11.2022, 30.12.2022 and 15.04.2023 given by the petitioner company for widening of the Marambedu village road (Road Code APR-47, Marambedu to Kummanur in Budur Panchayat, Sholavaram Panchayat union, Ponneri Taluk, Thiruvallur District) within the time fixed by this Court.

For Petitioner : Mr.J.Nithyanandan

For Respondents : Mr.V.Manoharan
Additional Government Pleader

COMMON ORDER

The writ petition in W.P.No.23700 of 2022 has been filed challenging the order passed by the first respondent dated 11.08.2022, thereby cancelled the administrative sanction issued by the first respondent dated 15.02.2021 to lay road between Budur Panchayat Marambedu to Kummanur Road in Solavaram Panchayat union by the fund contributed by the petitioner.

2. Another writ petition in W.P.No.30867 of 2023 has been



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filed for direction to consider the petitioner's representations dated 29.11.2022, 30.12.2022 and 15.04.2023, thereby requesting for widening of the road from Marambedu to Kummanur in Budur Panchayat, Sholavaram Panchayat union, Ponneri Taluk, Thiruvallur District.

W.P.No.23700 of 2022:-

3. The government of Tamil Nadu announced a scheme seeking aid from corporate companies participating in the social welfare projects and works for developing the local areas which is called as Corporate Social Responsibility (hereinafter referred to as “CSR”). When the first respondent decided to widening the road and formation of the road in the rural area, on the request made by the Marambedu Villagers and agriculturists, particularly the road from Budur to Kummanur road in Marambedu village. Therefore, the first respondent contacted the petitioner and informed about the cost for the said work to the tune of Rs.46.41 laksh. Thereafter, the petitioner inclined to participate in the said work to develop the said village by donating the said amount. Accordingly, the first respondent issued administrative sanction for formation and widening the road under 100% CSR scheme dated 15.02.2021. Accordingly, the petitioner had deposited the entire sum of



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Rs.46,41,000/- under CSR scheme. However, the respondents did not proceed with the said project under CSR scheme, since there is encroachment in the said road.

4. While being so, on the receipt of the report submitted by the second and third respondents, the first respondent cancelled the administrative sanction for formation and widening of the road dated 15.02.2021 that too without notice to the petitioner. Hence, challenging the order the petitioner filed the writ petition in W.P.No.23700 of 2022. The petitioner in W.P.No.30867 of 2023 also submitted requests to lay the said road as per the administrative sanction accorded by the first respondent dated 15.02.2021.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. The District Collector/Chairman, District Rural Development, Tiruvallur, filed status report and it revealed that the said road has been carried out during the year 2019, under State Finance



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Committee Grant Scheme, instead of widening the road which has less traffic, the Panchayat council passed a resolution requesting to repair the already dilapidated Budur village roads on a priority basis. Therefore, the second respondent by its communication dated 22.07.2022, recommended to cancel work. Accordingly, the first respondent cancelled the administrative sanction by an order dated 11.08.2022, which is impugned in the writ petition in W.P.No.23700 of 2022.

7. The petitioner had paid a sum of Rs.46,41,000/- for formation and widening of the Budur to Kummanur in Marambedu Village, Sholavaram Panchayat Union, under CSR scheme. Further, the second respondent reported that the said road will not be much use for public transport and instead, the work of improving the streets in Budhur panchayat Marampedu village can be carried out. Further as per the guidelines for implementation of Namakku Naame Scheme in G.O.Ms.No.87, Rural Development and Panchayat Raj (SGS.1) Department dated 23.06.2023, the permission of the local body concerned to execute the work is to be obtained before giving administrative sanction. The panchayat council of Budur panchayat already passed a resolution objecting widening of Marambedu to Kummanur road which



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has less traffic and instead requested to repair the already dilapidated condition roads in Budur village.

8. However, the fund which was deposited under the CSR scheme cannot be used for other purpose. Though it was deposited, the said amount was paid under the CSR scheme. The specific request of the petitioner in both writ petition is that for formation and widening of the road between Marambedu to Kummanur village, Budur Panchayat, Sholavaram Panchayat union, Tiruvallur District. Therefore, the order passed by the first respondent cannot be sustained and it is liable to be quashed.

9. Accordingly, the order dated 11.08.2022, passed by the first respondent in his proceedings Na.Ka.No.4427/2020/A2, is hereby quashed. The second and third respondents are directed to wide and lay the road from Marambedu to Kummanur village, Budur Panchayat, Sholavaram Panchayat union, Tiruvallur District, or to refund the amount deposited by the petitioner in W.P.No.23700 of 2022 to them, within a period of four weeks from the date of receipt of a copy of this Order.



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10. With the above directions, the writ petition in W.P.No.23700 of 2022 stands allowed and the writ petition in W.P.No.30867 of 2023 stands disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no orders as to costs.

20.09.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

rts



W.P.Nos.23700 of 2022 & 30867 of 2023

To
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1. The Secretary,
Department of Municipal Administration,
Government of Tamil Nadu,
Secretariat, Fort,
Chennai – 600 009,
Tamil Nadu.
2. The District Collector/Chairman,
District Rural Development Agency,
Tiruvallur District, Tiruvallur.
3. The Block Development Officer,
Sholavaram Panchayat Union,
Sholavaram, Tiruvallur District.
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Sholavaram, Tiruvallur District.
5. The Tahsildar, Ponneri,
Thiruvallur District.



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G.K.ILANTHIRAIYAN. J.

rts

W.P.Nos.23700 of 2022 & 30867 of 2023
W.M.P.Nos.22638 & 22641 of 2022

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