



W.P.No.26058 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.07.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

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S.Saravanan

...Petitioner

Vs

1.The Secretary to Government
Local Bodies Department,
Fort St.George,
Chennai-600009.

2.The District Collector,
Villupuram District, Villupuram.

3.The Additional Director/Project officer,
Green House Scheme,
Collectorate, Villupuram.

4.The Block Development Officer,
Green House Scheme,
Melmalaiyanur Panchayat Union,
Melmalaiyanur and Taluk,
Villupuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 2 to 4 to sanction and disburse the subsidy as per Chief Minister's Green House Scheme to the petitioner.



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For Petitioner : Mr.C.Prakasam
For Respondents : Mr.C.Meera Arumugam for R1 to R3
Mr.M.Muthusamy for R4
Government Advocate

ORDER

The petitioner has filed this writ petition to direct the respondents 2 to 4 to sanction and disburse the subsidy as per Chief Minister's Green House Scheme to the petitioner.

2. The case of the petitioner is that the petitioner is hailing from the below poverty line, when the Government of Tamil Nadu decided to introduce the Green House Scheme for poor families, who do not having own tiled RCC house and living in the huts, to develop them for their residential requirement, introduced the Green House Scheme and the hut dwellers can construct RCC house with Solar light. For the same, the Government financially assist to the tune of Rs.2,10,000/- for each house.

(ii). The petitioner herein is a handicapped person. He approached the respondents to provide financially help under the above said scheme. Accordingly, the 2nd respondent allotted order for financial help for his proposed RCC house and issued order on 14.08.2019. After getting orders, he started construction by borrowing



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loan amount from others and constructed RCC house by expecting the above said financial assistance from the Government. He completed construction in the year 2020 itself. After construction, he approached the respondents 2 to 4 and made request to sanction the subsidy to the tune of Rs.2,10,000/- for construction of house and solar lights, but the 3rd respondent cancelled the work order by assigning reason that the petitioner did not start construction and hence, the said work order has been passed vide proceedings in Na.Ka.No.B2/1558/2020 dated 23.07.2020. The petitioner's grievance is that without giving any notice and without conducting any enquiry and personal inspection, the 3rd respondent cancelled the work order.

3. Learned counsel for the petitioner would submit that the respondents 2 to 4 have not sanctioned the subsidy amount and hence, the petitioner borrowed the loan amount from the 3rd parties and started construction. Without considering the same, the 3rd respondent cancelled the work order by stating that in the next allotment order for the year 2020-2021, he will consider the same. The petitioner made several representations to disburse the subsidy amount, in turn, the Superintendent, District Rural Development Agency, Villupuram had



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issued a proceedings in Na.Ka.B2/1418/2023 dated 23.06.2023 and informed that they will consider the petitioner's request by directing the 4th respondent to take necessary action. However, no action has been taken till date. Hence, the present petition.

4. Learned Government Advocate appearing for the 4th respondent would submit that the work order was issued vide reference number A6/1683/2019 dated 14.08.2019. The petitioner did not start the construction despite several reminders and no stage bill was paid till 2020. The work should have been commenced within a period of 15 days from the issue of work order. Subsequently, the work sanction has been cancelled vide reference number B2/1465/2019 dated 12.06.2020 from the Collector, Villupuram District and the same was sanctioned to another eligible beneficiary of Kandamangalam Block. Subsequently, the work order was also cancelled vide reference number A6/1751/2019 dated 03.07.2020 by the Block Development officer and the same has been communicated to the petitioner on 14.07.2020. He further submitted that the petitioner constructed the house without prior approval from the appropriate authorities. He has now constructed a new house to the extent of 700 sq.ft with varena and hence, his eligibility under this



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Housing Scheme has become null and void and could not be considered for sanction as it is not a subsidy oriented scheme. The construction allowed under the Government Scheme is only 300 Sq.ft but the petitioner has constructed upto 750 sq.ft which shows that the petitioner is well-off person. Therefore, the petitioner's application cannot be considered for the said Government Scheme.

5. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents and this Court has perused the materials available on record.

6. Considering the fact that as per the guidelines of the Government Scheme, the Overseer concerned marks the floor plan and then only, the construction should be commenced. It is pertinent to note that the bills are paid after measuring Basement, Lintel Level, Roof Laid and Final Completion stages, and should get approval from technical authorities on every stage. In the case on hand, the petitioner has constructed a new house on his own will and has not followed any rules and regulations as per the said Government Scheme. After analysing the same, the Collector, Villupuram District had cancelled the work order vide reference number B2/1465/2019 dated 12.06.2020 holding that the



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petitioner has not constructed the house as per the Rules under Government Scheme and also he has not constructed the house as directed within the specified time period as per the Rules. Therefore, this Court is not inclined to entertain the present writ petition.

7. With the above observation, this writ petition is dismissed.

No costs.

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Index:Yes/No

Speaking order/Non-speaking order

msv

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V.BHAVANI SUBBAROYAN,J.



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