



W.P.(MD)No.3217 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED 14.02.2024

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THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

W.P(MD)No.3217 of 2024

and

W.M.P(MD)No.3179 of 2024

P.Ramalakshmi

...Petitioner

/Vs./

1.The District Collector cum Inspector of Panchayat,
Thoothukudi District, Thoothukudi.

2.The Block Development Officer,
Kovilpatti Panchayat Union,
Thoothukudi District.

3.The Society Sub Registrar,
O.522, Kovilpatti Agricultural Producer and
Marketing Cooperative Society,
Kovilpatti,
Thoothukudi District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 18.12.2023 in proceedings A3/3533/2020 of the 2nd respondent and quash the same as illegal and the directing the 2nd respondent to release the scheme amount the sum of Rs/1,80,000 /- (One Lakh and Eighty Thousand only) under the Tamil Nadu Government Green House Scheme.



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For Petitioner : Mr.M.Prabu

For Respondents : Ms.K.Christy Thebaral (R1 & R3)

Additional Government Pleader

Mr.S.Kameshwaran (R2)

Government Advocate

ORDER

This writ petition has been filed challenging the order dated 18.12.2023 passed by the 2nd respondent in proceedings A3/3533/2020 with a consequential direction to the 2nd respondent to release the scheme amount, the sum of Rs.1,80,000 /- (One Lakh and Eighty Thousand only) sanctioned under the Tamil Nadu Government Green House Scheme.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader and the learned Government Advocate appearing for the respondents. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, she was sanctioned with a cost of Rs.2,10,000/- for construction of house under the scheme of Chief Minister Solar Powered Green House Scheme vide proceedings in



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Na.Ka.No.A3/3533/2020 dated 16.09.2020. Initially, the petitioner had received 50 bags of cement from the second respondent. Thereafter, the second respondent did not release any amount. When the petitioner approached the second respondent for release of the amount, he cancelled the sanction order itself by way of the impugned order stating the reason that the petitioner's husband was working at the 3rd respondent society. Hence, the present writ petition.

4. The learned counsel appearing for the petitioner submits that the petitioner was granted permission to construct the house in the year 2020 itself and the impugned order has been passed after a period of 3 years even without giving any opportunity to the petitioner, which is in violation of principle of natural justice and hence, the impugned order is liable to be quashed.

5. The learned Government Advocate appearing for the second respondent produced the written instructions in A3/3533/2020 dated 12.02.2024 stating that the petitioner's husband is working as fitter in the third respondent society and getting monthly salary of Rs.18,866/-. Hence, the petitioner is not eligible for construction of the house under the aforesaid scheme and it is rejected through the impugned order.



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6. On perusal of the records, it is seen that the beneficiary should not be working in the government institution and there is no such condition regarding pay. Now a days, the cost of living is getting increased gradually. The petitioner's husband is getting take home salary of Rs.14,000/- only. When that being the case, the respondents cannot put a ban, as he is a government servant, who is working in the third respondent society and earning monthly salary of Rs.18,866/-.

7. Considering the aforesaid facts and circumstances of the case, the reason for rejection of the construction of house under the aforesaid scheme cannot be accepted and therefore, the impugned order is quashed. The respondents are directed to proceed further in the sanction order and release the balance amount that has been sanctioned to the petitioner within a period of eight (8) weeks from the date of receipt of a copy of this order.

8. This writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

14.02.2024

NCC : Yes/No

Index : Yes/No



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V.BHAVANI SUBBAROYAN, J.

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Order made in
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Dated:
14.02.2024