



W.P(MD)No.7520 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7520 of 2024

and

W.M.P.(MD)Nos.6898 & 6901 of 2024

M.Vasanthi Manraj

... Petitioner

Vs.

1.The Principal Secretary,
Rural Development and Panchayat Raj Department,
Fort St.George,
Chennai-09.

2.The Director,
Rural Development and Panchayat Raj Department,
Saidapet,
Panagal Maligai,
Chennai-15.

3.The District Collector,
Virudhunagar District,
Virudhunagar.

4.The Secretary,
Virudhunagar District Panchayat Office,
Virudhunagar,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned proceedings in Na.Ka.TP1/24/2023 dated 11.03.2024 and quash the same as illegal.



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For Petitioner : Mr.E.Mareeskumar

For Respondents : Mr.Veerakathiravan
Additional Advocate General
assisted by Mr.S.Kameswaran
Government Advocate

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Advocate General assisted by the learned Government Advocate for the respondents.

2. The petitioner is the chairman of Virudhunagar District Panchayat Office. She challenges the proceedings dated 11.03.2024 issued by the fourth respondent granting administrative sanction for purchasing the infrastructural materials for various panchayat union schools.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition.

4. The learned Additional Advocate General drew my attention to the norms laid down in G.O.Ms.No.64, Rural Development and Panchayat Raj Department dated 17.05.2007 and G.O.Ms.No.138, dated 09.08.2007 and



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G.O.Ms.No.98, dated 19.07.2023 and submitted that the implementation of the 15th State Finance Commission is as per the aforesaid norms. He also drew my attention to the resolution dated 31.10.2023 passed by the Virudhunagar District Panchayat Office and asserted that the impugned administrative sanction is in consonance with the terms of the resolution passed by the Virudhunagar District Panchayat Office to which the petitioner was already a party. This factual aspect is not denied or contested.

5. The stand of the petitioner's counsel is that subsequently, Criminal complaint was given on 13.01.2024 with regard to the implementation of the scheme last year and that therefore, the members of the district panchayat have developed second thoughts and they want to put the resolution dated 31.10.2023 on hold. In fact, the representation was given in this regard to the District Collector.

6. The learned counsel appearing for the petitioner drew my attention to the proceedings dated 18.01.2024 which is the 8th reference cited. That may be so. When I asked a specific question as to whether any subsequent resolution was passed recalling the earlier resolution dated 31.10.2023, answer is in the negative. Admittedly, the Virudhunagar District Panchayat has not passed any



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subsequent resolution in this regard. The learned counsel for the petitioner would state that since the model code of conduct has come into force, the District Panchayat could not be convened. This contention does not sound convincing. The model code of conduct came into force on 17.03.2024. Therefore, so long as the earlier resolution is holding the filed, the fourth respondent cannot be faulted for having granted the impugned administrative sanction. At the same time, the respondents are directed to ensure that when the project is implemented for the panchayat union schools for this year pursuant to the impugned administrative sanction, the works are carried out in a manner that will not give rise to any kind of complaint.

7. With this observation, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

27.03.2024

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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