



W.P(MD)No.14827 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 11.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14827 of 2020

and

W.M.P(MD)Nos.12486 & 12487 of 2020

Rakku

... Petitioner

Vs.

- 1.The Collector,
Sivagangai District,
Sivagangai.
- 2.The Director,
Rural Development and
Panchayat Raj Department,
Panagal Maligai,
Saidapet, Chennai – 600 015.
- 3.The Secretary,
Rural Development and
Panchayat Raj Department,
Nammakkal Building,
Fort St.George,
Chennai – 600 009.



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4.The Panchayat Commissioner,
Thiruppuvanam Panchayat Union,
Panchayat Union Office,
Thiruppuvanam, Sivagangai District.

5.The Block Development Officer
(Village Panchayat),
Thiruppuvanam Panchayat Union,
Block Development Office,
Thiruppuvanam, Sivagangai District.

6.The Deputy Block Development Officer
(Panchayat),
Thiruppuvanam Panchayat Union,
Block Development Office,
Thiruppuvanam, Sivagangai District.

7.The Manager,
State Bank of India,
Thiruppuvanam Branch,
Thiruppuvanam, Sivagangai District.

8.Rakku

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned letter issued by the fifth respondent in his proceedings in Na.Ka.B5/3124/2016 dated 24.12.2018 and quash the same as illegal and consequently direct the fifth respondent to allot the housing site and sanction its amount for construction as beneficiary to the petitioner based on the earlier allotment under the scheme of Pradhan Mantri Awaas Yojana-Gramin which is the Prime Minister's Housing Scheme (Rural).



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For Petitioner : Mr.L.Prabhu
For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader
for R.1 to R.3
Mr.V.Nirmal Kumar
Government Advocate for R.4 to R.6
Mr.M.Ponnaiah for R.7
No Appearance for R.8

ORDER

When the matter was taken up for hearing, it is firmly submitted by the officials instructing the Government Counsel (Ms.P.Renuka, Zonal Deputy Block Development Officer and Ms.Sumathi, Panchayat Secretary) that the petitioner died during the pendency of the writ petition. Her husband Mayandi Thevar had predeceased her.

2.The learned counsel appearing for the petitioner is unable to get instructions.

3.In such circumstances, the case can be closed as abated. But I do not want to pass such a summary order. This is because there has been a gross negligence on the part of the concerned officials.



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4.The deceased writ petitioner / Rakku applied for financial assistance under Pradhan Mantri Awaas Yojana. Sanction order was passed on 24.04.2017 in her favour. The sanction order contained definite details. It also mentioned the petitioner's work identity card under MGNREGS (ID No.TN-25-004-001-001/341). Even though, the petitioner should have been granted the subsidy amount, the amount came to be deposited in the account of the eighth respondent. The eighth respondent was also called Rakku. Her husband's name was also Mayandi. The similarity in the name could not have been an excuse for such depriving the petitioner of her entitlement. The Bank / seventh respondent cannot be blamed at all.

5.Even though in the impugned order the then Block Development Officer (Village Panchayat) had tried to defend his action, in the counter affidavit it has been fairly stated that a mistake had been inadvertently committed. When the authorities themselves concede that a mistake had been committed, they should take the consequences. The petitioner ought to have been given a sum of Rs.1,70,000/-. Now that she is no



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more. The said amount should go to her children. The legal representatives of the petitioner are permitted to submit an application for payment of the said amount. The legal representatives will be entitled to their respective shares in the subsidy amount of Rs.1,70,000/-.

6.Rakku died leaving behind three children. It is open to them to apply individually to the first respondent. They will be entitled to 1/3 rd share each. The first respondent shall honor the said application. At the same time, the administration need not be burdened with any liability. The administration can very well recover the said amount from the erring officials.

7.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

11.01.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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