



W.P(MD)No.17998 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.17998 of 2019

M.Jeyakumar

... Petitioner

Vs

1.The Director,
Rural Development and Panchayat Raj,
Panagal Building, Saidapet,
Chennai – 600 015.

2.The District Collector,
Collectorate Building,
Madurai – 625 020.

3.The Block Development Officer,
Thirupparankundram Panchayat Union,
Thirupparankundram,
Madurai.

4.Anitha

5.S.Mala

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to take action in view of the petitioner's representations dated 09.12.2018 and 21.12.2018 against the respondents 3 and 4 for their illegal act in allotment of green house to the fifth respondent.



W.P(MD)No.17998 of 2019

For Petitioner : Mr.D.Senthil
For RR 1 & 2 : Mr.D.Gandhi Raj
Special Government Pleader
For R – 3 : Mr.D.Muruganantham
For R – 4 : Mr.H.Mohammed Imran
for M/s.Ajmal Associates
For R – 5 : Mr.L.Prabhu

ORDER

This Writ Petition has been filed by the petitioner directing the respondents 1 and 2 to take appropriate action as against the respondents 3 and 4 for their illegal act in allotment of greenhouse in favour of the fifth respondent.

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

3.The Government of Tamil Nadu had announced the Green House Scheme for the houseless persons. The fifth respondent, who is the sister of the fourth respondent using the fourth respondent's official position, was allotted for the Sunlight Greenhouse under the Scheme of 2016-2017 by the proceedings



W.P(MD)No.17998 of 2019

dated 27.06.2017. The fifth respondent is a resident of Chennai and even then, she was allotted a house site. Therefore, the petitioner filed a Writ Petition in W.P(MD)No.22317 of 2018 before this Court to cancel the allotment of greenhouse issued in favour of the fifth respondent. While pending the Writ Petition, the allotment in favour of the fifth respondent was cancelled by order dated 20.04.2018. It was recorded by this Court and closed the Writ Petition by order dated 07.12.2018. Subsequently, while pending the present Writ Petition, this Court by order dated 15.09.2020, directed the second respondent to conduct an enquiry on the complaint lodged by the petitioner and to file a report before this Court within a period of eight weeks. Accordingly, the second respondent conducted an enquiry and submitted a report dated 04.08.2021.

4.On perusal of the report submitted by the second respondent would reveal that the allotment of the house site was considered by the Selection committee consisting of the Block Development Officer (Village Panchayats) and Deputy Block Development Officer to select the beneficiaries. Accordingly, the fifth respondent was selected as a beneficiary and the same was approved by the Panchayat by its resolution dated 31.03.2017. The



W.P(MD)No.17998 of 2019

work order was issued to the fifth respondent by the third respondent. The third respondent had released a sum of Rs. 62,000/- in favour of the fifth respondent out of the total eligible amount of Rs.1,80,000/- by its proceedings dated 19.09.2017. That apart, under the scheme, 60 bags of cement and 300 kgs of steel were also released by the proceedings dated 10.11.2017 from the third respondent office. However, the fifth respondent did not construct any house. Therefore, the third respondent cancelled the work order by its proceedings dated 20.04.2018. Further, the third respondent by its proceedings dated 28.05.2018 directed the fifth respondent to remit a sum of Rs.88,050/- in lieu of 60 bags of cement and 300 kgs of steel and the fifth respondent already remitted the said sum of Rs.88,050/- on 01.06.2018 in the head of account to the third respondent. On enquiry, it was found that the third respondent/the Block Development Officer, the Deputy Block Development Officer and the Panchayat Union were involved in the illegal allotment. Therefore, they were issued a charge memo and they are facing disciplinary proceedings. Insofar as the fourth respondent is concerned, she was not a member of the selection committee of the beneficiaries and the said Thoppur Village is not within the jurisdiction of the fourth respondent. Therefore, no action can be taken as against the fourth respondent.



W.P(MD)No.17998 of 2019

5.In view of the above, the second respondent is directed to complete the disciplinary proceedings as against the third respondent/the Block Development Officer, the Deputy Block Development Officer and the Panchayat Secretary, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

06.12.2024

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

To

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Chennai – 600 015.
- 2.The District Collector,
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- 3.The Block Development Officer,
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Thirupparankundram,
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W.P(MD)No.17998 of 2019

G.K.ILANTHIRAIYAN, J.

ps

Order made in
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