



W.A.(MD) No.1744 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD)No.1744 of 2023
and
C.M.P.(MD) No.13285 of 2023**

1.Majeeth,
Assistant Executive Engineer,
O/o. Executive Engineer,
Tamil Nadu Slum Clearance Board,
N.G.O. 'B' Colony Extension,
Perumalpuram, Tirunelveli.

2.Subburaj,
Assistant Executive Engineer,
O/o. Executive Engineer,
Tamil Nadu Slum Clearance Board,
N.G.O. 'B' Colony Extension,
Perumalpuram, Tirunelveli.

... Appellants

-VS-

1.A.Mohan



W.A.(MD) No.1744 of 2023

WEB COPY

- 2.Union of India,
Rep. by Joint Secretary/ Scheme Director,
Prime Minister Awas Yojana (Urban),
Ministry of Housing and Urban Affairs,
Nirman Bhawan, New Delhi – 110 011.
- 3.The District Collector,
Tirunelveli District,
Tirunelveli.
- 4.The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Tirunelveli Division,
N.G.O. 'B' Colony Extension,
Perumalpuram, Tirunelveli.
- 5.The Commissioner of Police,
Tirunelveli City Police,
Palayamkottai,
Tirunelveli.
- 6.The Assistant Commissioner,
City Crime Branch,
Tirunelveli Junction,
Tirunelveli.
- 7.A.Siddique

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order,
dated 30.06.2023, passed in W.A.(MD)No.20610 of 2019.



W.A.(MD) No.1744 of 2023

WEB COPY

For Appellants : Mr.M.P.Senthil

For R1 : Mr.A.Mohan
Party-in-Person

For R2 : Mr.K.Govindarajan
Deputy Solicitor General of India

For R3 : Mr.S.R.A.Ramachandran
Additional Government Pleader

For R4 : Ms.S.Latha

For R5 and R6 : Mr.M.Vaikkam Karunanithi
Government Advocate (Criminal side)

For R7 : No Appearance

JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

This Appeal is by the individuals, who were found responsible for delaying the construction of the house under the Pradhan Manthiri Awas Yojana Scheme, which is implemented through the Tamil Nadu Urban Habitat Development Board. The Scheme operates in collaboration with the Tamil Nadu Urban Habitat Development Board and the Central Government. While funds were provided by the Central Government, the Scheme is implemented by the



W.A.(MD) No.1744 of 2023

WEB C Tamil Nadu Urban Habitat Development Board. Depending on the progress of the work, payment is released.

2. The first respondent was allotted a site and was also granted funds to the tune of Rs.1,00,000/-. However, since there were disputes between him and the Engineer engaged by him, the construction stopped midway. Therefore, the remaining amount was not released. The first respondent moved this Court, seeking a Writ of Mandamus, directing the respondents 4 and 7 and the appellants herein to complete the remaining construction work in the first respondent's house at No.15, Jai Hanuman Nagar, Tirunagar, Tirunelveli.

3. The Writ Court found that the appellants are responsible for the malady and apart from directing the construction to be completed by the Board, the learned Single Judge directed payment of cost of Rs.50,000/- each on the appellants and also directed the Deputy Superintendent of Police, Tirunelveli, to register a complaint against the appellants and to enquire into same.



W.A.(MD) No.1744 of 2023

WEB COPY

4. Mr.M.P.Senthil, learned counsel appearing for the appellants would contend that the appellants have nothing to do with the Contractor and it was the first respondent, who had a dispute with the Contractor, causing the Contractor to leave the work midway. Both the appellants have filed independent affidavits, stating that they would pay a sum of Rs.50,000/- each to the first respondent so as to enable him to complete the construction and claim the amount from the Tamil Nadu Urban Habitat Development Board. The affidavits are taken on record.

5. The payment of Rs.50,000/- each will be made by the appellants within a week from today directly to the Savings Bank Account of the first respondent viz., A.Mohan, A/c.No.6273501127, IFSC Code : IDIB000N114 [Indian Bank, Tirunelveli].

6. It is made clear that the appellants will not be entitled to any refund of that money. The first respondent will complete the construction with that money and claim that money from the Tamil Nadu Urban Habitat Development Board and the Board will check the construction and pay the money to the first



W.A.(MD) No.1744 of 2023

WEB COPY

respondent. On the money being deposited as directed, the other directions issued by the learned Single Judge, regarding the Police enquiry will stand set aside.

7. This Writ Appeal is disposed of with the above directions. No costs.

Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No

Index : Yes / No

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[R.S.M., J.] [L.V.G., J.]

29.10.2024

Note:- Issue order copy on 30.10.2024.

To:-

1.The Joint Secretary/ Scheme Director,
Union of India,
Prime Minister Awas Yojana (Urban),
Ministry of Housing and Urban Affairs,
Nirman Bhawan, New Delhi – 110 011.

2.The District Collector,
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Tirunelveli.

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W.A.(MD) No.1744 of 2023

WEB COPY

- 4.The Commissioner of Police,
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WEB COPY



W.A.(MD) No.1744 of 2023

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