



W.P.(MD) No.24135 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD) No.24135 of 2024

T.Sathiyapriya.

... Petitioner

Vs.

1.The District Collector,
Sivagangai.

2.The Assistant Director,
(Village Panchayats),
Sivagangai.

3.The Block Development Officer,
Ilayangudi Panchayat Union,
Sivagangai District.

4.The President,
Sathanoor Village Panchayat,
Ilayangudi Panchayat Union,
Sivagangai District.

5.The Zonal Deputy Block Development Officer/Vice President,
Sathanoor Village Panchayat,
Ilayangudi Panchayat Union,
Sivagangai District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the 5th respondent to make approval to disbursal of payment to the petitioner for completion of work done by the petitioner as per the work order of the 4th respondent dated 06.07.2024 as stipulated under Section 188(3) of the Tamil Nadu Panchayats Act, 1994 by considering the representation dated 16.07.2024 and 01.10.2024.

For Petitioner : Mr.T.Veerakumar

For Respondents : Mr.P.Gandhiraj

Special Government Pleader

ORDER

This Writ Petition is filed for issuance of a writ of mandamus seeking a direction to the 5th respondent to make approval to disbursal of payment to the petitioner for completion of work done by the petitioner as per the work order of the 4th respondent dated 06.07.2024 as stipulated under Section 188(3) of the Tamil Nadu Panchayats Act, 1994 by considering the representations dated 16.07.2024 and 01.10.2024.

2. Mr.P.Gandhiraj, learned Special Government Pleader takes notice for the respondents.



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3. With consent of both parties, this Writ Petition is taken up for final disposal at the time of admission itself.

4. The brief facts, which are germane for disposal of this Writ Petition are as follows:

i) The petitioner is a registered contractor under the 3rd responder Panchayat Union. On 05.07.2024, the Sathanoor Village Panchayat invited tender for doing certain works. The petitioner had participated the tender and successfully obtained tender from the Sathanoor Village Panchayat. On 06.07.2024, the 4th respondent herein issued work order. The petitioner successfully completed the contractual works without any pending whatsoever.

ii) At that juncture, a dispute arose between the 4th respondent and Vice President of the Panchayat and therefore, the 5th respondent has been appointed as Vice President by the 1st respondent by his proceedings in Na.Ka.A7/629/2022 dated 17.05.2024. Earlier, the disbursement of payment for the contract works to the contractors was made through instrument of cheque and now, the said system



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was changed by the respondents. They are following online payment system namely, Tamil Nadu Panchayat Accounting Simplified System (TNPASS). In which, after completion of work, the Village Panchayat Secretary has to make approval firstly and thereafter, the Assistant Engineer of the Panchayat Union and the overseer of the Panchayat Union have to make approval of the completion of work. Subsequently, the Vice President and the President of the Village Panchayat have to approve the completion of work.

iii) The completion of work done by the petitioner has been approved by the Village Panchayat Secretary and overseer and the Assistant Engineer of the Ilayangudi Panchayat Union on 12.07.2024 through TNPASS. However, the 5th respondent herein did not make approval to the completion of work and failed to disbursal of payments. Therefore, the 4th respondent/Panchayat President is also unable to make approval for the same. When the petitioner approached the 5th respondent, the 5th respondent replied that he was waiting for the extension of order of Vice President from the 1st respondent.

iv) But, on 19.09.2024, the 1st respondent passed the order of extension to



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the 5th respondent to exercise the power as a Vice President of the Sathanoor Village Panchayat. Even thereafter, the 5th respondent abruptly failed to approve the completion of work done by the petitioner. Aggrieved by the inaction on the part of the 5th respondent, on 01.10.2024, the petitioner sent a detailed representation to the 5th respondent and the respondents 1 to 3 herein. After receiving the representation, no action has been taken. Hence, the petitioner is before this Court by filing the present Writ Petition.

5. The learned counsel appearing for the petitioner submits that the petitioner completed the contractual works of the Sathanoor Village Panchayat and the said completion of work has been approved by the Village Panchayat Secretary and overseer and the Assistant Engineer of the Ilayangudi Panchayat Union on 12.07.2024 through TNPASS. However, the 5th respondent herein did not make approval to the completion of work and failed to disbursement of payments. Therefore, the 4th respondent/Panchayat President is also unable to make approval for the same. Under such circumstances, the petitioner sent a representation dated 16.07.2024 before the 4th respondent. The learned counsel further submits that when the petitioner approached the 5th respondent on various occasions in person,



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at that point of time, the 5th replied that he was waiting for the extension of order of Vice President from the 1st respondent. But the 1st respondent passed an order of extension on 19.09.2024 to the 5th respondent to act and exercise power as the Vice President from July to October, 2024. The petitioner also made another detailed representation on 01.10.2024 to the respondents 1 to 3 and 5.

6. Mr.P.Gandhiraj, learned Special Government Pleader appearing for the respondents submits that the Authorities concerned have already received the representations dated 16.07.2024 and 01.10.2024 from the petitioner. He further submits that the petitioner have to submit relevant and required documents as mandated by the rules and procedures, then, the authorities concerned shall pass an order in accordance with rules.

7. A perusal of the typed set of papers, it is seen that the petitioner has submitted a representation dated 16.07.2024 to the 5th respondent and also submitted another representation dated 01.10.2024 to the respondents. To that effect, postal receipts were also placed.



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8. Considering the submissions made on either side and also considering the above stated facts and circumstances of the case, this Court is inclined to issue a direction. Accordingly, a direction is issued to the 5th respondent to consider the representations submitted by the petitioner dated 16.07.2024 and 01.10.2024, as per the provisions under Section 188(3) of the Tamil Nadu Panchayat Act, 1994, and pass appropriate orders in accordance with law within a period of two weeks from the date of receipt of a copy of this order, by giving sufficient opportunity of hearing to the petitioner.

9. With the above direction, this Writ Petition is disposed of. No costs.

Index : Yes / No
Internet : Yes / No
apd/CM

09.10.2024

Note: Issue order copy on **10.10.2024**



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M.JOTHIRAMAN, J.

apd/CM

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