



W.P.(MD) No.26722 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.26722 of 2019

S.Anitha

... Petitioner

Vs.

1.The Director,
Ministry of Rural Development and
Department of Rural Development,
Government of India,
Krithi Bhavan, New Delhi.

2.The Additional Chief Secretary,
Department of Rural Development,
Secretariat, Chennai, Tamil Nadu.

3.The Chief Manager,
State Bank of India,
Virudhunagar.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned rejection order dated 04.09.2019 by the third respondent, quash the same and consequently, direct the respondents to provide the subsidy for house construction under Pradhan Mantri Awas Yojana Urban Scheme in housing loan account No:37444218679 by extending the same.



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For Petitioner : Mr.M.Ramu
For R1 : Mr.M.Karunanithi
For R2 : Mr.S.P.Maharajan
Special Government Pleader
For R3 : Mr.S.Sukumar
Standing Counsel

ORDER

The petitioner has challenged the impugned communication dated 04.09.2019 of the third respondent, rejecting her request for loan/subsidy under the Pradhan Mantri Awas Yojana Urban Scheme.

2. The request of the petitioner has been rejected with the following observation:-

"Rosalpatti Village was not in the approved eligible town list which was prescribed by Central Govt. for PMAY Subsidy. ..."

3.The learned counsel for the petitioner submitted that there is no justification in the above communication of the third respondent inasmuch as there has been a flexibility to the scheme, which was circulated by the Ministry of Rural Development, Department of Rural Development, in their Communication dated 07.02.2018, bearing reference No.L.



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12052/01/2015-RH addressed to all States/Union Territories Additional Chief Secretary / Principal Secretary / Secretary, Department of Rural Development, In-Charge of PMAY-G. It is submitted that the petitioner's request ought to have been considered in the light of the guideline / relaxation in the above Communication.

4. The learned Standing Counsel for the third respondent Bank on the other hand would submit that there is no merit in the submission inasmuch as the third respondent is only an implementing authority and it cannot take an independent decision. The learned Standing Counsel would further submit that the above said communication is not applicable to the petitioner and therefore, the impugned order does not call for any interference in the hands of this Court and therefore, he prays for dismissal of the present Writ Petition.

5. I have considered the arguments advanced by the learned counsel for the parties.

6. The Director of Ministry of Rural Development, in his Communication dated 07.02.2018, bearing reference No.L.



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12052/01/2015-RH addressed to all States/Union Territories Additional

Chief Secretary / Principal Secretary / Secretary, Department of Rural

Development, In-Charge of PMAY-G, has clarified as under:-

"The Ministry of Housing and Urban Affairs, vide their letter No. N-11011/28/2017 HFA-IV-UD/E-9034371 dated 12.01.2018, has circulated a copy of the amendments made in the Pradhan Mantri Awaas Yojana (Urban) [PMAY (U)] Mission Guidelines. A copy of the same is enclosed. As per the amendment, the beneficiaries in the Permanent Wait List (PWL of Pradhan Mantri Awaas Yojana - Gramin (PMAY-G) residing in the areas falling within notified planning / development area under the jurisdiction of an Industrial Development Authority/Special Area Development Authority / Urban Development Authority or any such Authority under State legislation which is entrusted with the functions of urban planning and regulations will have the flexibility for opting for a house under PMAY-G or PMAY (U).

2. The above said provision may enhance the chances for duplication of beneficiaries. In order to avoid duplication of beneficiaries, it is requested that necessary action may be taken to delete the names of those households who have opted for a house under PMAY (U) from the PWL of PMAY-G. It is intimated that the NIC of the Ministry has been requested for making necessary provisions in the AwaasSoft."

7. The above said aspect ought to have been considered by the third respondent. Under these circumstances, the impugned order passed by the third respondent dated 04.09.2019 is quashed and the case is remitted



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back to the third respondent to pass fresh order on merits after duly considering the above said communication dated 07.02.2018, within a period of eight weeks from the date of receipt of a copy of this order.

8. This Writ Petition stands allowed accordingly. No costs.

12.04.2024

Index : Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
smn2

To

- 1.The Director,
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- 2.The Additional Chief Secretary,
Department of Rural Development,
Secretariat, Chennai, Tamil Nadu.
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C.SARAVANAN, J.

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