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W.P.No.1180 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM:

THE HONOURABLE MRS. JUSTICE J. SATHYA NARAYANA PRASAD

W.P.No.1180 of 2025
and WMP.No.1419 of 2025

A.Gopalakrishnan

... Petitioner

vs

1.The District Collector
District Collectorate Office
Mayiladuthurai District.
Mayiladuthurai – 609 001.

2.The Project Director
District Rural Development Agency
District Collectorate Office
Mayiladuthurai District.
Mayiladuthurai – 609 001.

3.The Block Development Officer (Village Panchayat)
Panchayat Union Office
Sirkali Panchayat Union Sirkali, Mayiladuthurai – 609 110.

4.The Panchayat President
Kathiramangalam Village Panchayat
Kathiramangalam
Athukudi Post, Sirkali Taluk
Mayiladuthurai District – 609 117

5.Padmavathi. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a Writ of declaration declaring that the work order vide



work order ID 11655778 issued to the 5th respondent for the construction of new house at Kathiramangalam Village, Sirkali Taluk, Mayiladuthurai District under Kalaigharin Kanavu Illam Scheme is illegal and unjust and consequently directing the respondents 1 to 3 to recover the amount disbursed to the 5th respondent and further directing the 1st and 2nd respondents to take action against the respondents 3 to 5 for having violated the GO.Ms.No.70 Rural Development and Panchayat Raj (SGS.I) Department dated 15.03.2024.

For Petitioner : Mr.G.Pugazhenthir
For Respondents : Mr.N.Naveen Kumar.

ORDER

This writ petition has been filed to declare that the work order vide work order ID 11655778 issued to the 5th respondent for the construction of new house at Kathiramangalam Village, Sirkali Taluk, Mayiladuthurai District under Kalaigharin Kanavu Illam Scheme is illegal and unjust and consequently to direct the respondents 1 to 3 to recover the amount disbursed to the 5th respondent and to further direct the 1st and 2nd respondents to take action against the respondents 3 to 5 for having violated the GO.Ms.No.70 Rural Development and Panchayat Raj (SGS.I) Department dated 15.03.2024.



2. The petitioner is the permanent resident and engaged in agricultural activities in Kathiramangalam Village, Sirkali Taluk. The property is undivided ancestral joint family property. The 5th respondent is residing in a RCC building at No.199, Kannan Kovil Street, Kathiramangalam Village. The scheme under “Kalaighar Veedu Vazhangum Thittam” was launched in 2010 to achieve the goal of hut free Tamil Nadu and the Government had issued GO.Ms.No.70 Rural Development and Panchayat Raj (SGS.1) Department dated 15.03.2024 with all guidelines annexed therewith. A work order ID.11655778 has been issued through Sirkali Panchayat Union Office to Padmavathi/5th respondent to construct a concrete house at the property. The 5th respondent forged the documents to get benefit under the scheme. Hence, the petitioner sent representation dated 21.11.2024 to the respondents 1, 3 and 4 to initiate action against the 5th respondent. Subsequently, the petitioner sent representation dated 21.12.2024 to the Director, Rural Development and Panchayat Raj Department and marked the copy of the same to the first respondent. Thereafter, sent a representation dated 27.12.2024 to the respondents 1 to 4 for taking action and to stop further construction and to recover the 1st installment paid to the 5th respondent. In response, the respondents have not taken any action till date, left with no other option, the petitioner filed the present writ petitioner.



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3. The learned counsel for the petitioner would submit that the petitioner has made detailed representation dated 27.12.2024 to the respondents 1 to 4 with regard to the allotment of work order to the 5th respondent vide ID.No.11655778 for construction of house under the “Kalaigharin Kanavu Illam Scheme” at Kathiramangalam Village, Sirkali Taluk. The learned counsel would further submit that according to clause 3 of the GO.Ms.No.70, Rural Development and Panchayat Raj (SGS.1) Department dated 15.03.2024 which provides guidelines for “Kalaigharin Kanavu Illam”. According to the aforesaid G.O. the eligibility criteria prescribed in Clause 3 is *“only households with patta ownership document for their house site will be eligible. The houses will be constructed situ or in the land where they are having patta or ownership document”*. In the present case, the 5th respondent is owing the house site in her father's name viz., A. Govindarajan. Hence, the petitioner is not eligible under the scheme mentioned in the above G.O.

4. Per contra, the learned counsel appearing for the respondents 1 to 4 would submit that the petitioner's representation dated 27.12.2024 will be considered on merits and in accordance with law by the 3rd respondent, who



is the competent authority, within a time frame that may be fixed by this Court.

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5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

6. This Court directs the 3rd respondent to consider the representation of the petitioner dated 27.12.2024 by taking into consideration that the 5th respondent beneficiary does not fulfil the eligibility criteria prescribed under the GO.Ms.No.70, Rural Development and Panchayat Raj (SGS.1) Department dated 15.03.2024, on merits and in accordance with law, after giving due opportunity of personal hearing to both the parties and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

06.02.2025

Speaking order / Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No



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W.P.No.1180 of 2018



To

1.The District Collector
District Collectorate Office
Mayiladuthurai District.
Mayiladuthurai – 609 001.

2.The Project Director
District Rural Development Agency
District Collectorate Office
Mayiladuthurai District.
Mayiladuthurai – 609 001.

3.The Block Development Officer (Village Panchayat)
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4.The Panchayat President
Kathiramangalam Village Panchayat
Kathiramangalam
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Mayiladuthurai District – 609 117



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J. SATHYA NARAYANA PRASAD, J.

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