



W.P(MD)No.2286 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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| <i>Reserved on</i> | <i>Pronounced on</i> |
|--------------------|----------------------|
| 02.03.2023 | 31.03.2023 |

CORAM :

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MRS. JUSTICE L. VICTORIA GOWRI

W.P (MD).No.2286 of 2023

K.Udhayakumar

.. Petitioner

Vs

1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli – 620 001.

2.The Director,
Directorate of Vigilance and
Anti-Corruption (DVAC),
No. 293, M.K.N. Road, Alandur,
Chennai -600016.

..Respondents.

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 1st respondent to lodge a complaint with the 2nd respondent, DVAC, Chennai, so as to enable the 2nd respondent to file FIR, as per the complaint and to initiate criminal proceedings against the aforementioned 10 errant officers in accordance with law.



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For the Petitioner : Mr.N.Krishnappan
For R.Gayathri
For the Respondents : Mr.Veera Kathiravan, AAG
Assisted by
Mr.P.Thilakkumar,G.P – R1
M.S.Manikandan,GA
(Crl.Side) - R2

ORDER

(Order of the court was made by D.KRISHNAKUMAR,J.)

The petitioner has filed the instant writ petition, styled as public interest litigation, alleging that while verifying the beneficiary list of Pradhan Mantri Awas Yojana - Gramin (PMAY-G) of Maruthur Village situated within the limits of Lalgudi Panchayat Union, the beneficiary ID (i) TN-1645120, Periyannan Neelakantan and beneficiary ID (ii) TN-565971, Thangaponnu Periyannan got the allotment of houses under the said PMAY-G Scheme. Both the beneficiaries are belonging to the same and one family wherein two houses were allotted, which is nothing but illegal allotment. The said beneficiary Periyannan Neelakantan has constructed the house and that the funds got released to his bank account. The same house photo of this house Periyannan has been used by the officers for another beneficiary namely, Thangaponnu Periyannan.



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2. The petitioner alleges that the Union Officials created a fake approval with a deceased person's thumb impression to show that they received scheme money in July 2022. The petitioner submitted a complaint with supporting documents to the first respondent on 14.11.2022, seeking legal action under the Prevention of Corruption Act and Indian Penal Code. The petitioner received a letter from the second respondent on forwarding the second respondent on forwarding the complaint to the first respondent. The petitioner also received a letter from the Block Development Officer, Lalgudi stating that money recovery had been initiated against a different beneficiary, but no mention of action against the officials who misappropriated funds.

3. The petitioner sent reminder letters to both respondents seeking criminal action against errant officers under the Prevention of Corruption Act, but no action was taken. The petitioner highlights the order of this Court dated 22.11.2022 made in W.P.(MD)No.22687 of 2022 directing the District Collectors not to let erring officers go unpunished regarding the PMYA-G Scheme. The District Collector of Tiruchirappalli admits misappropriation of funds by 10 officers and



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initiates departmental action under Section 17(b) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules, but does not mention about the criminal action.

4. The learned counsel for the petitioner has submitted that he received details from the 1st respondent/District Collector, Tiruchirappalli regarding ineligible 10 persons who were working at the Lalgudi Panchayat Union Office and underwent the departmental action under Section 17(b) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules.

| <i>Sl.No.</i> | <i>Name of Beneficiary</i> | <i>Working as</i> |
|---------------|----------------------------|---------------------------------|
| 1 | Venkatesh Kumar | Overseer |
| 2 | Clinton | Technical Assistant (Temporary) |
| 3 | Saravanakumar | B.D.O (Village Panchayat) |
| 4 | Ravichandran | B.D.O (Village Panchayat) |
| 5 | Shivakumar | Dy.B.D.O (Schme) |
| 6 | Loganathan | Dy.B.D.O (Schme) |
| 7 | Paulraj | Zonal B.D.O Deputy |
| 8 | Kalidoss | Zonal B.D.O Deputy |
| 9. | Aranganathan | Junior Engineer |
| 10. | Bharanidharan | Junior Engineer |

5. The learned counsel for the petitioner submitted that misusing PMAY-G and IAY schemes, houses were allotted to ineligible persons



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for extraneous consideration and, therefore, directions may be issued to take action against the erring officials for allotting houses to ineligible persons and to allot houses under PMAY-G scheme only to the eligible persons. According to the petitioner, the 1st respondent /District Collector, Tiruchirappalli should have lodged a complaint with the DVAC for criminal proceedings against the errant officers, but did not do so, hence the present writ petition in the larger interest of the public.

6. On the other hand, learned Additional Advocate General appearing for the 1st respondent filed a status report mentioning the details of allotment of houses under PMAY (F) Scheme to the beneficiaries viz., Tmt.Neelakandan, S/o. Periyannan (TN1565971) and Thiru. Neelakandan, S/o. Periyannan (TN1645120) and submitted that both were dwelling separately with separate family cards PHH333630664635 AND PHH333959661862 respectively. The above two families had been enumerated separately in SECC survey, hence the sanction orders given to the above two beneficiaries are not illegal.

7. It is also stated in the status report that as against the errant



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officers, who misappropriated the funds, departmental action has been initiated and charges framed under Section 17(b) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules. Based on the report submitted by the enquiry officer, further action will be initiated against officers concerned under the Prevention of Corruption Act and IPC.

8. It is further stated in the report that based on the directions issued by this Court in W.P.No.22687 of 2022, the Principal Secretary to Government, Rural Development and Panchayat Raj Department in her D.O. Letter No. 18389/CGS.4/2022, dated 09.12.2022 instructed the District Collector to appoint officials to verify the houses allotted to ineligible beneficiaries. Accordingly, inter block and inter departmental verification team has been formed, vide Proc.No. A2/2433/2019, dated 09.12.2022 and checking and super-checking is under progress and final report will be submitted to the Government at the earliest.

9. Heard both sides and perused the materials available on records.



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10. The Hon'ble Division of this Court, while disposing a similar case in writ petition No. 22687 of 2022, has elaborately discussed the misappropriation of funds granted by the Government of India under PMAY-G Scheme by the concerned officials and issued direction as follows;

13. In the light of the above, this Court passes the following directions"

(i) The newly impleaded sixth respondent, namely the Secretary to Government, Rural Development and Panchayat Raj Department, Government of Tamil Nadu shall issue necessary instructions to all the District Collectors concerned to give pivotal importance to this issue and take necessary action for verifying the records, genuiness of the allotment of houses to beneficiaries, to call for fund utilization under the Scheme and allotment of houses to those beneficiaries in each village Panchayat by nominating responsible officers not below the rank of Revenue Divisional Officer to find out whether there is any irregularity and if any such deviation / illegality / irregularity is noted, the District Collectors concerned shall take necessary disciplinary action against those erring officials.

(ii) The aforesaid exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order and the District Collector concerned shall report to the sixth respondent at an earliest within the time prescribed by the sixth respondent.



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11. When the present case on hand was taken up for hearing on 15.02.2023, this Court directed the learned Government Pleader appearing for the 1st respondent to get instructions from the Principal Secretary to the Government, Rural Development and Panchayat Raj Department for appointment of Revenue Officials not below the rank of Revenue Divisional Officer to implement the aforesaid order of this Court made in WP.No. 22687 of 2022 and further directed to get instructions from the 1st respondent/District Collector, Tiruchirappalli for the permission sought by the Vigilance and Anti Corruption in this regard.

12. Subsequently, when the matter was taken up on 24.04.2023, this Court issued the following directions:

"Today, when the matter is taken up for hearing, the learned Additional Advocate General appearing for the 1st respondent produced the order passed by the Principal Secretary to Government, Rural Development and Panchayat Raj Department, Secretariat, Chennai in D.O.No. 18389/CGS.4/2022, dated 09.12.2022, wherein it is held as follows;

"The verification exercise shall be carried out by the following level of officers as indicated below:-

- i) All houses sanctioned from 2016-17 to 2021-22 should be verified by Overseers and Zonal Depputy*



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BDOs.

- ii) BDO(BP) and BDO (VP) should verify 50% of the houses sanctioned in each Village Panchayat in the 50% of the Village Panchayats allotted to each of them.*
- iii) Assistant Director/Deputy Collector level officers should inspect 25% of the houses sanctioned in each Village Panchayat.*
- iv) Other Department officials at the District level have to verify 10% of the houses sanctioned in each Village Panchayat."*

13. This Court, not being satisfied with the above appointments by the Principal Secretary to Government, Rural Development and Panchayat Raj Department, and taking note of the seriousness of the issue, has directed the learned Additional Advocate General to get appropriate instructions from the Government by strictly complying with the directions issued in W.P.No. 22687 of 2022, dated 22.11.2022, for appointing officials not below the rank of Revenue Divisional Officer, to conduct detail verification of the records and to ascertain the genuineness of allotment of houses to the beneficiaries under the Scheme.

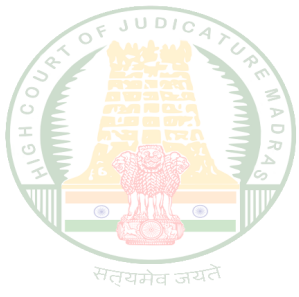


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14. Following the directions of this Court, the Principal Secretary to Government, Rural Development and Panchayat Raj Department, Secretariat, Chennai has addressed a letter to the District Collector, Trichy in D.O.Letter No.463/CGS.4/2023-1, dated 02.03.2023 for appointment of verification officers not below the rank of Revenue Divisional Officers. The relevant portion of the letter is extracted as below;

“Considering the above observations of the Hon'ble High Court, the District Collectors are requested to appoint the verification officers not below the rank of a Assistant Director of Rural Development (District Level Officer of RD&PR) Department, working as Personal Assistant to Collector (Panchayat Development), Assistant Director (Panchayats), Assistant Director (Audit), Assistant Project Officer, District Rural Development Agency, Assistant Project Officer (National Rural Livelihood Mission) for each Block and if the number of houses are high two or more Assistant Director cadre officers may be appointed as verification officers. Copy of the orders appointing verification officers in the cadre of Assistant Directors and Deputy Collectors who are not below the rank of Revenue Divisional Officer should be submitted to the Government immediately”



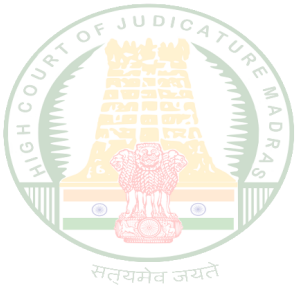
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15. The learned Additional Advocate General has also produced a letter addressed by the District Collector, Tiruchirappalli addressed to the Superintendent of Police, Tiruchirappalli for taking criminal action against the officials of Lalgudi Panchayat Union, Tiruchirappalli who misappropriated the funds for allotment of houses under PMAY-G scheme. The relevant portion of the letter is extracted hereunder;

“புகார் மனுவின் பேரில் திருச்சிராப்பள்ளி மாவட்ட உதவி திட்ட அலுவலர் (உட்கட்டமைப்பு-2) டி (வீ டி சு) (பொ) மற்றும் உதவி திட்ட அலுவலர் (ஊ டிவே) ஆகியோரால் ஆய்வு மேற்கொள்ளப்பட்டது. ஆய்வில் திருமதி. தங்கப்பொண்ணா, க பெ பெரியண்ணன் என்ற பயனாளி 16.10.2022 அன்று இறந்துவிட்டார் எனவும், இறந்த பயனாளியின் பெயரில் இருந்த வீடு கட்டும் அனுமதி ஆணையினை பயன்படுத்தி இறங்க பயனாளியின் பேரன் திரு. தமிழ்செல்வன் த பெ நீலகண்டன் என்பவரால் போலி கைரேகையிட்டு கேட்பு செய்யப்பட்டு பிரதம மந்திரி ஊரக குடியிருப்புத் திட்ட நிதி ரூ.1,20,000 பெறுவதற்கு முயற்சிக்கப்பட்டது தெரியவந்தது.

| Sl.No. | Installments | Amount | Order Sheet No | Date |
|--------|-----------------|--------|------------------------|------------|
| 1 | 1 st | 26029 | TN6007-PMAYG-1-816321 | 09/12/2020 |
| 2 | 2 nd | 26715 | TN6007-PMAYG-2-881478 | 26/04/2021 |
| 3 | 3 rd | 26681 | TN6007-PMAYG-3-1283347 | 18/08/2022 |
| 4 | 4 th | 40575 | TN6007-PMAYG-4-1317450 | 07/09/2022 |



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மேற்காணும் பொருள் தொடர்பாக சம்மந்தப்பட்ட அலுவலர்கள் மீது தமிழ்நாடு குடிமைப்பணி (ஒழுங்கு மற்றும் மேல்முறையீடு) விதிகள் 17(b)-ன் கீழ் குற்றச்சாட்டுகள் பிறப்பிக்கப்பட்டு விசாரணை அலுவலர் நியமணம் செய்யப்பட்டு விசாரணை நடைபெற்று வருகிறது.

இறந்த பயனாளியின் பேரில் கைரேகையிட்டு நிதி மோசடி செய்தது தொடர்பாக உரிய விசாரணை மேற்கொள்ள கேட்டுக் கொள்கிறேன்.”

16. In view of the above, the District Collector, Tiruchirappalli shall appoint verification officers as per the aforesaid letter of the Principal Secretary to Government, dated 02.03.2023, so as to ensure that the verification process is being carried out as directed by this Court and to keep track of the progress of the verification process and take necessary actions, if any, based on the report. The Superintendent of Police, Tiruchirappalli shall also take steps to initiate criminal action as against the officials of Lalgudi Panchayat Union, Tiruchirappalli who misappropriated the funds for allotment of houses under PMAY-G scheme.



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17. This Court place it on record the steps taken by the Principal Secretary to Government,Rural Development and Panchayat Raj Department, Secretariat, Chennai in appointing verification officers in the rank of Assistant Director of Rural Development and Deputy Collectors, who are not below the rank of Revenue Divisional Officer and to ensure the proper implementation of government schemes and programs, specifically in the context of providing housing to the rural poor in executing the Government Schemes.

18. We conclude that the appointment of verification officers in the cadre of Assistant Directors and Deputy Collectors is a positive step taken by the government to ensure the proper implementation of government schemes and programmes especially the PMAY-G scheme, which is intended only for providing houses to weaker section of the Society, and the same is in line with the directions issued by this Court in W.P.No. 22687 of 2022, dated 22.11.2022.



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19. In view of the above and recording the aforesaid statements made by the Principal Secretary to Government, Rural Development and Panchayat Raj Department in his letter dated 02.03.2023 and the letter addressed by the 1st respondent/ District Collector, Tiruchirappalli to the Superintendent of Police, Tiruchirappalli, the instant **writ petition is disposed of**. No costs.

(D.K.K., J.)

(L.V.G., J.)

31.03.2023

Index : Yes/No
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To:

- 1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli – 620 001.
- 2.The Director,
Directorate of Vigilance and
Anti-Corruption (DVAC),
No. 293, M.K.N. Road, Alandur,
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Pre-delivery Order in
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