



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 09.09.2024

DELIVERED ON: 04.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

and

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.24689 of 2024

and WMP. No.27010 of 2024

G.Sivaprakasam

.. Petitioner

Vs

- 1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Rural Development & Panchayat Raj,
Fort St.George, Chennai – 600 009.
- 2.The Director of Panchayats/District Collector,
Chengelpet District, Chengelpet.
- 3.The Assistant Director of Panchayats,
Chengelpet District, Chengelpet.
- 4.The Block Development Officer,
Thirukazhukundram Panchayat Union,
PK Street, SH 58, Desumugipet,
Thirukazhukundram – 603 109,
Chengelpet District.
- 5.Mrs.N.Samundeeswari
- 6.Mrs.Rajathi



7. The Panchayat Secretary,
Edaiyur Kokkilamedu Village Panchayat,
Thirukazhukundram,
Chengelpet District, Pin – 603 104.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to inspect the Edaiyur Kokkilamedu Village Panchayat and conduct an enquiry into management of the affairs of Panchayat and the allegations of misappropriation and mismanagement of the Panchayat funds by the 5th to 7th respondents and the other officials and take appropriate action against the concerned officials as provided under the Tamil Nadu Panchayats Act, 1994.

For Petitioner : Mrs.K.M.Valsala
For Respondents : Mr.P.S.Raman,
Advocate General assisted by
Mr.A.Edwin Prabakar
Special Government Pleader for R1 to R4
Mr.M.Habeeb Rahman,
Government Advocate for R7

ORDER

(Order of the Court was made by MR.JUSTICE P.B.BALAJI, J.)

The petitioner has filed the present Writ Petition as a Public Interest Litigation seeking issuance of Writ of Mandamus to direct the respondents 1 to 4 to inspect the Edaiyur Kokkilamedu Village Panchayat and conduct an enquiry into the management of the affairs of the said Panchayat especially,



the allegations of misappropriation and mismanagement of the Panchayat funds by the 5th to 7th respondents and the other officials and to take appropriate action against the concerned officials as provided under the Tamil Nadu Panchayats Act, 1994.

2. We have heard Mrs.K.M.Valsala, learned counsel for the petitioner and Mr.P.S.Raman, learned Advocate General assisted by Mr.A.Edwin Prabakar, learned State Government Pleader for R1 to R4 and Mr.M.Habeeb Rahman, learned Government Advocate for R7.

3.The petitioner claiming to be a permanent resident of Ammankoil Street, Kokkilamedu Kuppam, Mamallapuram and a fisherman by profession has filed the instant Writ Petition. According to the petitioner, the 5th and 6th respondents are the elected representatives of the Edaiyur Kokkilamedu Village Panchayat, holding post from the year 2021. The specific allegation of the Writ Petitioner is that though the said posts are reserved for Women category, the persons holding the posts are only name lenders and their respective husbands are calling the shots and having an upper hand in the management and affairs of the Edaiyur Kokkilamedu Village Panchayat.



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4. The petitioner further complaints of several malpractices and misappropriation of the Panchayat and alleging that the President and the Vice President, Panchayat Secretary together with the Ward Members of the Panchayat have colluded among themselves and swindled the Panchayat funds by creating false bills, Work Orders, accounts and records in the Panchayat.

5. It is the further allegation of the petitioner that when such high handed acts of these persons were questioned by the Villagers, the husband of Vice President by name, Mr.Venkatesan started foisting false criminal cases using his influence against youngsters and other Villagers.

6. The petitioner further alleges that the respondents 5 to 7, Mr.Venkatesan and husband of the President and Ward Members have credited amounts in the name of several persons under MGNREGA (Mahatma Gandhi National Rural Employment Guarantee Act), in their personal Bank accounts by way of commission and even the persons to whom amounts are credited to the Panchayat are actually employed with Babha Atomic Research Centre (BARC), Kalpakkam and were not entitled



to be appointed by the Panchayat.

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7. Further allegation of the petitioner is that under the guise of constructing the Storm Water drains in the locality, the said persons have swindled and misappropriated huge amounts of money and though the Block Development Officer and the District Collector were intimated above the said illegal acts of these persons, no action has been taken. Similarly, the petitioner also alleges that monies have been swindled under the guise of laying roads, digging wells etc. Further, several lakhs of rupees have also been misappropriated under the head of flood relief funds to the Villagers.

8. The petitioner has sent a representations to the official respondents 01.07.2024 requesting them to take immediate action and also followed it up with a lawyer's notice on 30.07.2024. According to the petitioner, despite receipt of the representation and the lawyer's notice, no action has been taken and hence, with no other option, the Writ Petition has been filed.

9. The third respondent, the Assistant Director of Panchayat has filed a status report stating as follows:

(i) Regarding the beneficiaries of MGNREGA Scheme being



employed with BARC, Kalpakkam:-

The said persons are working on daily wages basis in BARC. The third respondent has called for a report from the Director of the BARC and the same is awaited. It is also submitted that registered workers under the MGNREGA Scheme are also engaged as temporary workers like gardeners, house keepers and sweepers in the BARC Campus on contract basis only. It is also stated that under the MGNREGA Scheme, weekly demand will be created by the Gram Panchayat based on willingness of beneficiaries who are interested to work for the week and the same will be recommended by Village Panchayat President to the Block Development Officer and only if the concerned employee turns up for work, attendance will be marked and wages will be paid. It is stated that if the concerned person does not turn up for work, attendance will be marked as absent and no wages will be paid for the absent days;

(ii) Regarding construction of Storm Water drains:-

Due to technical issue in NREGASoft, the work start date and end date for certain works are the same. However, steps to correct the same have already been taken. In fact, the construction of the Earthen Storm Water Drainage in Kokkilamedu Meenavar Paguthi Streets at Edaiyur was commenced on 19.10.2023 and ended on 03.01.2024 and similarly, storm



water drainage in Kokkilamedu Village Street at Edaiyur was taken up on 01.12.2022 and ended on 23.08.2023 and in Ambedkar Nagar, it commenced on 01.09.2022 and completed on 30.11.2022. Only because of the technical glitch in the software, the dates are incorrectly reflected.

(iii) With regard to construction of a new overhead tank:-

It is stated that no new overhead tank has been constructed by the Panchayat Officials as already an overhead tank has been in existence. However it is admitted in the said statement, the amounts have been withdrawn and appropriated under the head of construction of new overhead tank.

10. The third respondent has sought for recording the said status report dated 09.09.2024 and also undertakes to hold a full fledged enquiry and file a detailed report.

11. We have seen from the records that huge amounts have been withdrawn by the elected representatives of the Panchayat and it has come to light even from the status report that the funds that have been withdrawn have not been utilised, especially for construction of the overhead tank. With



regard to the completion of certain storm water drainage work, etc. on single day, explanation has to been offered by the respondents that there has been a technical glitch in the software and we are satisfied with the said explanation offered by the respondents. However, admittedly, even according to the respondents, all is not well with the functioning of the Panchayat, especially under the control of the present elected representatives. Only after the Writ Petitioner has brought such malpractices, misappropriation and illegalities to light by way of Writ Petition, we directed the Authorities to respond to the same and until than the official respondents have not even come to know about the irregularities and malpractices being committed by the respondents 5 to 7.

12. Clearly the officials have not been vigilant and have allowed huge /sums of money to be withdrawn and misappropriated by certain private individuals for their personal gain. The public funds set up for laudable public cause cannot be allowed to be frittered away and swallowed by persons holding positions in the Panchayats. Certainly, the official respondents are bound to take immediate and effective action against such persons.

13. Considering all the above, we find that there is merit in the



allegations made by the petitioner by way of the present Public Interest Litigation and therefore, we deem it fit to entertain the Writ Petition and issue a Writ of Mandamus, directing the second respondent, Director of Panchayats/District Collector, Chengelpet District to conduct an enquiry into the allegations made by the petitioner, especially in the representations dated 17.05.2022, 01.07.2024 and 30.07.2024 (Lawyer's notice) and pass suitable directions, besides take action against erring persons, whomsoever it may be, within a period of twelve (12) weeks from the date of receipt of the copy of the order.

14. With the above directions, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is also closed. No costs.

(D.K.K.J.,) (P.B.B.J.,)

04.10.2024

Internet: Yes/No
Index : Yes/No
Speaking Order/Non Speaking Order
rkp

To

1.The Secretary to Government,
The Government of Tamil Nadu,



Rural Development & Panchayat Raj,
Fort St.George, Chennai – 600 009.

2.The Director of Panchayats/District Collector,
Chengelpet District, Chengelpet.

3.The Assistant Director of Panchayats,
Chengelpet District, Chengelpet.

4.The Block Development Officer,
Thirukazhukundram Panchayat Union,
PK Street, SH 58, Desumugipet,
Thirukazhukundram – 603 109,
Chengelpet District.



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D. KRISHNAKUMAR. J.,

and

P.B.BALAJI, J.

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Pre-delivery Order in

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