

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 8-4-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.10100 of 2015

A.Shridhar

.. Petitioner

vs

1. The State  
Represented by its Secretary  
Rural Development and  
Panchayat Raj Department  
Fort St. George, Chennai 600 009
2. The Commissioner  
Rural Development and  
Panchayat Raj Department  
Panagal Building, Chennai 600 015
3. The District Collector/Inspector of  
Panchayat/Chairman District Rural  
Development Agency  
Vellore District Collectorate  
Sathuvachari, Vellore 9
4. The Block Development Officer  
Block Development Office  
Gudiyatham, Vellore 632 602
5. R.Subramanian  
Panchayat President  
Pejanapuram Village  
Gudiyatham, Vellore District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the third respondent to pass suitable orders on the petitioner's representation dated 13.12.2014, and to initiate appropriate action on the fifth respondent under Section 205 of the Tamil Nadu Panchayat Act, 1994, for misappropriation of Government funds allocated for the development activities of the village.

For Petitioner : Mr.V.Lakshminarayanan  
for Mr.V.Raghavachari

For Respondents : Mr.M.Digvijaya Pandian  
Additional Government Pleader  
for RR1 to 3

Mrs.A.Srijayanthi  
Special Government Pleader  
for R4

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner claims that he is a resident of Bojanapuram Village, Gudiyatham Village Union, and in that place, there are 12 water tanks and out of them, only two water tanks are in use and the rest are not maintained properly and became unfit for use. According to the petitioner, the fifth respondent is the elected Panchayat President for Bojanapuram Panchayat and he is having statutory duties under Section 110 of the Tamil Nadu Panchayat Act, 1994, to maintain and repair the water tanks and thereby, cater to the needs of the public. The further grievance expressed by the petitioner, is that there are more than 125 street lights in the village and the lights are not maintained properly and he has also sought information under the Right To Information Act to know the income and expenses of the Panchayat and to his shock and surprise, he came to know that the fifth respondent had withdrawn a huge sum of money for maintaining and repairing the water tanks, street lights, pipelines and overhead tanks, etc., but, nothing had fructified and all the public utility services are in the state of disuse and the fifth respondent is also guilty of misusing the public funds for his own benefit and the petitioner, in this regard, has submitted a detailed representation on 13.12.2014, to the third respondent praying for urgent action to curtail the illegal activities on the part of the fifth respondent and the Assistant Director of Panchayat vide his memo dated 13.12.2014, has called upon the fourth respondent to conduct a proper enquiry and inform the decision taken and in spite of it, the fourth respondent is not acting and therefore, the petitioner came forward to file this writ petition.

3.Heard the submissions of Mr.V.Lakshminarayanan, learned Counsel appearing for the petitioner, who has drawn the attention of this Court to the affidavit filed in support of the petition, as well as to the typed-set of documents and would submit that though the fifth respondent is guilty of misdeeds as pointed out above, and in spite of the said acts having been brought to the knowledge of the concerned authority, no fruitful action has been taken and hence, prays for appropriate orders.

4.The Court heard the submissions of Mr.M.Digvijaya Pandian, learned Additional Government Pleader, who took notice for the respondents 1 to 3, and Mrs.A.Srijayanthi, learned Special Government Pleader, who took notice for the fourth respondent, also.

5.Though the petitioner has prayed for a larger relief of disposal of the representation as well as initiation of action under Section 205 of the Tamil Nadu Panchayat Act, 1994, against the fifth respondent, this Court, in the facts and circumstances, is of the view that it would suffice to direct the third respondent to consider and dispose of the petitioner's representation dated 13.12.2014, on merits, within a stipulated time.

6.In the result, the writ petition is disposed of and the third respondent is directed to consider and dispose of the representation dated 13.12.2014, submitted by the petitioner, on merits and in accordance with law, after putting on notice the concerned person, as expeditiously as possible and not later than six weeks from the date of receipt of a copy of this order and inform the decision to the petitioner. No costs.

-s/d-

Assistant Registrar(Ad-I)

True Copy

Sub-Assistant Registrar

To:

1. The Secretary to Government  
Rural Development and  
Panchayat Raj Department  
Fort St. George, Chennai 600 009
2. The Commissioner  
Rural Development and  
Panchayat Raj Department  
Panagal Building, Chennai 600 015
3. The District Collector/Inspector of  
Panchayat/Chairman District Rural  
Development Agency  
Vellore District Collectorate  
Sathuvachari, Vellore 9
4. The Block Development Officer  
Block Development Office  
Gudiyatham, Vellore 632 602

+ 1 cc to Mr.V.Raghavachari, Advocate SR 19494

+ 1 cc to Govt.Pleader SR 19684

ad(co)  
prk22/4

W.P.No.10100 of 2015



WEB COPY