

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.25902 of 2014

And

M.P.No.1 of 2014

C.Elangovan ... Petitioner

Vs.

1.The District Collector,
Kancheepuram District,
Kancheepuram

2.Mr.A.Rajagiri
The Assistant Director of Panchayat,
Sri Perumbudhur Taluk,
Kancheepuram District.

3.The Deputy Block Development Officer
Sri Perumbudhur Taluk,
Kancheepuram District.

4.Mr.Ravi
The Village Panchayat President
Mathur Village,
Sri Perumbudhur Taluk,
Kancheepuram District.

... Respondents

Prayer: Petition filed under section 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the entire records pertaining to the impugned order dated 10.01.2014 passed by the 2nd respondent in the proceedings Na.Ka.No.3187/2013/A7, quash the same and consequently, direct the 1st respondent to take appropriate action against the respondents 2 to 4 for the misappropriation of Panchayat Funds committed by the 4th respondent with the active connivance of respondents 2 and 3, by disposing of my representations dated 23.10.2013 and 28.10.2013 in accordance with law within a time frame that may be fixed by the Hon'ble Court.

For Petitioner : Mr.Suhriith Parthasarathy

For Respondents : Mr.V.Jayaprakash Narayanan for R1
Special Government Pleader
Mr.M.L.Mahendran for R3 and R4
No Appearance for R2

O R D E R

Heard both sides.

2.Petitioner is a resident of Mathur Village and his grievance is against the fourth respondent who is the President of the Village Panchayat. Petitioner is alleged to have made allegations against the fourth respondent in the manner in which the Panchayat was administered and the manner in which the funds of the Panchayat were utilized.

3.Earlier the petitioner filed writ petition in W.P.No.29986 of 2013 seeking for issuance of writ of Mandamus to direct the first respondent therein to dispose of the petitioner's representation dated 23.10.2013. The said writ petition was closed by the order dated 04.07.2014 on the ground that already orders have been passed. Thereafter, the petitioner came to know that the competent authority/ the District Collector/ the first respondent has not passed any orders and it is only at the stage of the report submitted by the Assistant Director of Panchayat, Sri Perumbudhur Taluk, Kancheepuram District/ the second respondent.

4.Counter has been filed by the fourth respondent stating that the Panchayat has been properly administered and there is no impropriety in the manner of utilization of the funds etc.

5.The petitioner has made certain allegations as against the Assistant Director of Panchayat, Sri Perumbudhur Taluk, Kancheepuram District. But, those allegations appear to be not substantial nor substantiated.

6.In any view, the competent authority to take a decision is the first respondent. Therefore, the first respondent is directed to take a decision in the matter, after hearing the fourth respondent and taking note of the report of the second respondent, independently, without being solely guided by any recommendation made by the second respondent. The above direction shall be complied with, within a period of three months from the date of receipt of a copy of this order.

7.This writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (Lok adalat)

/true copy/

Sub Asst. Registrar

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To

- 1.The District Collector,
Kancheepuram District,
Kancheepuram
- 2.Mr.A.Rajagiri
The Assistant Director of Panchayat,
Sri Perumbudhur Taluk,
Kancheepuram District.
- 3.The Deputy Block Development Officer
Sri Perumbudhur Taluk,
Kancheepuram District.
- 4.Mr.Ravi
The Village Panchayat President
Mathur Village,
Sri Perumbudhur Taluk,
Kancheepuram District.

1 cc to Mr.Suhrith Parthasarathy, Advocate, sr. 9952
1 cc to the Government Pleader, Sr. 9973

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