

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.29081 of 2014

S.M.Karthikeyan

.. Petitioner

Vs.

1.The District Collector
Vellore District, Sathuvachari
Vellore.

2.The Project Director
District Rural Development Office
Vellore.

3.The Block Development Officer
Panchayat Union
Arcot, Vellore District.

4.The Assistant Director
Collectorate Office
Sathuvachari, Vellore.

5.The President
Saathur Village & Post
Arcot Panchayat, Vellore.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus to direct the respondents 1 to 3 to take necessary further action as against the malpractice committed in allotting tender contract in favour of the relatives of 5th respondent.

For Petitioner : Ms.P.Mahalakshmi

For Respondents : Mr.S.Gunasekaran- R1 to R4
Government Advocate

Mr.K.Mohana Murali - R5

O R D E R

By consent of the learned counsel on either side, the writ petitions are taken up for final disposal.

2.Heard Ms.P.Mahalakshmi, learned Counsel appearing for the petitioner, Mr.S.Gunasekaran, learned Government Advocate appearing for respondents 1 to 4 and Mr.K.Mohana Murali, learned counsel appearing for the fifth respondent.

3.The petitioner seeks for issuance of writ of mandamus to direct the respondents 1 to 3 to take necessary further action as against the malpractice committed in allotting tender contract in favour of the relatives of 5th respondent.

4.The petitioner is the resident of a village which falls within Arcot Panchayat Union. The petitioner is aggrieved by the allotment of works by the fifth respondent in respect of various contracts in favour his wife Valarmathi. It is stated that the fifth respondent being the President of Arcot Panchayat Union, who should not have any pecuniary interest, allotted 17 works contract in his wife's name, who is also one among the registered contractors.

5.Counter affidavit has been filed by the third respondent, who admitted the same and stated that Valarmathi has been awarded works. The only justification in the counter is that the rate quoted by Valarmathi is the least rate for certain items of work which was the subject matter of tender called for on 27.2.2014 and other Contractor Saravanan, did not object for the same. Further it is stated that tenders were called for by the third respondent following the guidelines and the Tender Transparency Rules.

6.It is rather surprising to note that as to how the wife of the President of the Panchayat would not have any pecuniary interest, when the son of the Panchyat President was also granted tenders. In fact the information obtained by the petitioner under the Right to Information Act dated 3.10.2013, clearly state that Valamathi is the wife of the President of the Panchayat and she has been granted tenders. That apart, one Jayaraman who is the son of the President of the Panchayat has also been granted works. Furthermore, the information furnished reveals that the Ward Members have also been allotted works. It is not known as to how the District Collector has not initiated any action, especially when the elected ward members and kith and kin of the President of the Panchayat and other elected members of the Panchayat, who should not have any pecuniary interest in the matter were allotted works. Therefore, the District Collector has to look into the matter and conduct an enquiry and pass appropriate orders, after following due process of law.

7. Accordingly, there will be a direction to the first respondent to enquire into the matter by issuing notice to the petitioner as well as to respondents 3 and 5 and all other Ward Members including the wife and son of the Panchayat President and after conducting enquiry, pass appropriate orders on merits and in accordance with law. The entire exercise has to be completed within a period of four weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpa

To

1. The District Collector
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Vellore.
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5. The President
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Arcot Panchayat, Vellore.

- + 1 cc to M/s. S. Gunasekaran, Advocate SR.12056
- + 1 cc to M/s. P. Mahalakshmi, Advocate SR.11240
- + 1 cc Government Pleader Sr.11552
- + 1 cc to M/s. K. Mohana Murali, Advocate SR.11368

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RSI (CO)
EU 19.03.2015