

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN, J

Writ Petition No.31311 of 2015 and
M.P.Nos.1 & 2 of 2015

1.R.Maanikandan
2.Sakthivel

.. Petitioners

vs.

1.The District Collector,
Cuddalore District,
Cuddalore.

2.The Commissioner,
Virudhachalam Panchayat Union,
Virudhachalam,
Cuddalore District.

3.K.C.Velmurugan
4.Rajakumari
5.Kuppusamy

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the first respondent to take action against the third respondent on complaint dated 16.02.2014 and order to withdraw the cheque drawing power of Aladi Panchayat Board, Virudhachalam Taluk from the third respondent.

For Petitioner : Mr.R.Margabandhu

For R.1 : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

For R.2 : Mr.S.Diwakar,
Additional Government Pleader

ORDER

The petitioners are the Ward Members of the Aaladi Panchayat and the third respondent is the President of the said Panchayat. The case of the petitioner is that the third respondent misappropriated panchayat funds to the tune of Rs.50

lakhs during 2012-2013 and out of 17 houses constructed, 4 houses were allotted to the father, mother and cousin brother of the third respondent. Pointing out these irregularities, the petitioner has given a representation dated 16.02.2014 to the first respondent to take action against the third respondent. But so far, no action has been taken. Therefore, the petitioners are before this Court with this writ petition.

2.Heard Mr.R.Margabandhu, learned counsel for the petitioner; Mr.V.Jayaprakash Narayanan, Special Government Pleader appearing for the first respondent and Mr.S.Diwakar, learned Additional Government Pleader appearing for the second respondent. Notice to the respondents 3 to 5 are not necessary, as this Court is proposed to issue a direction to the first respondent to consider the representation of the petitioner dated 16.02.2014.

3.The allegations made by the petitioner in his representation dated 16.02.2014 is that the third respondent allotted four houses to his close relatives out of 17 houses constructed by the Panchayat and the third respondent also misappropriated the funds of the Panchayat to the tune of Rs.50 lakhs.

4.In view of the above, without passing any order on merits, this Court only directs the first respondent to consider the representation of the petitioner dated 16.02.2014 and pass orders on merits and in accordance with law, after issuing notice to the respondents 3 to 5 and after giving adequate opportunity to them, within a period of twelve weeks from the date of receipt of a copy of this order. It is open to the petitioner as well as the respondents 3 to 5 to produce documents and also adduce evidence, if necessary, before the first respondent at the time of enquiry.

5.With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

sd/

ASSISTANT REGISTRAR (CO)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

jbm

To

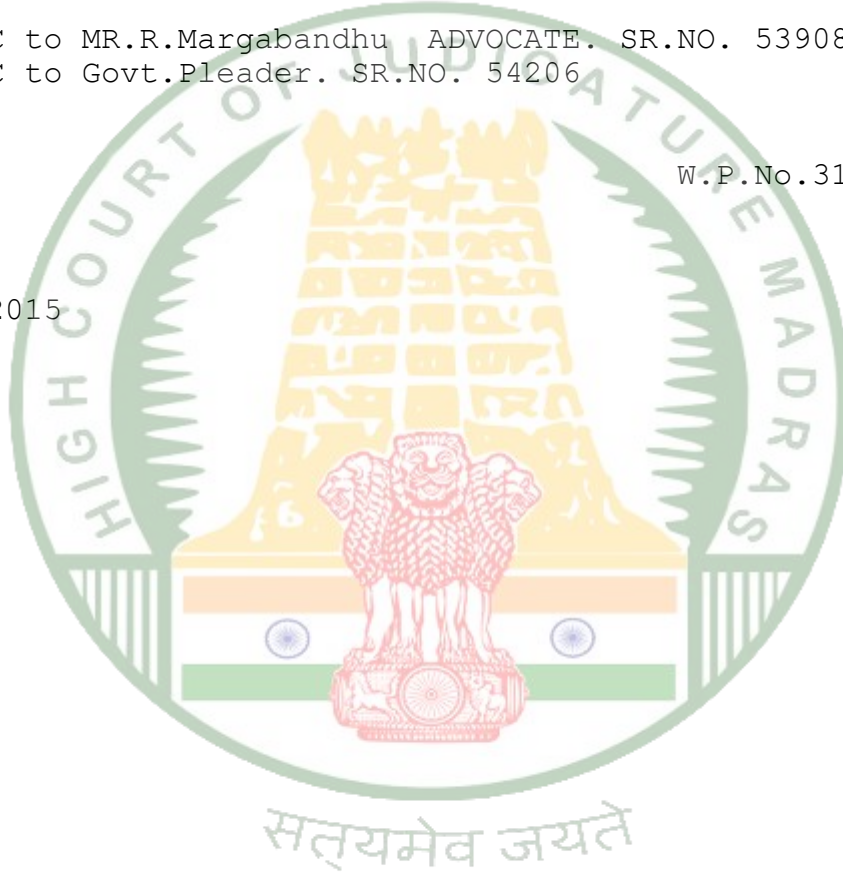
1.The District Collector,
Cuddalore District,
Cuddalore.

2.The Commissioner,
Virudhachalam Panchayat Union,
Virudhachalam,
Cuddalore District.

+1 CC to MR.R.Margabandhu ADVOCATE. SR.NO. 53908
+1 CC to Govt.Pleader. SR.NO. 54206

W.P.No.31311 of 2015

CO-MG
JD 20/10/2015



WEB COPY