

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.10.2015

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.32451 OF 2015

&

M.P.No.1 of 2015

Geetha Marudhachalam

[PETITIONER]

Vs

- 1 The State of Tamil Nadu
Rep. by its Secretary
Rural Development and
Panchayat Raj Department
Secretariat, Chennai-600 009.
- 2 The District Collector
Coimbatore District
Collectorate, Coimbatore.
- 3 The Assistant Director (Audit)
Rural Development Department
Collectorate Compound, Coimbatore-18.
4. The Director of Panchayats,
Chennai.
(R4 is suo motu impleaded as per
the order of this
Court dated 12.10.2015)

[RESPONDENTS]

Writ petition is filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the first respondent to consider the petitioner's appeal dated 2.6.2015 preferred to them, after providing due opportunity of hearing to the petitioner and to pass orders thereon within a time frame to be fixed by this Court.

For Petitioner : Mr.C.K.Chandrasekhar

For Respondents : Mrs.M.E.Rani Selvam
Additional Government Pleader.

O R D E R

With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal at the admission stage itself.

2. Prior to 2011, petitioner was the President of Asokapuram Village Panchayat in Coimbatore. In the election conducted during 2011, the petitioner was defeated, surcharge proceedings were initiated against her and an order was passed by the third respondent on 11.2.2013, imposing surcharge for certain lapses. Aggrieved over the same, the petitioner preferred an appeal to the second respondent, who rejected the same by an order dated 08.07.2014. As against the said rejection order, the petitioner preferred a further appeal before the Director/Commissioner of Panchayats on 04.08.2014, however, the same was returned during April, 2015 by way of communication and retained the original files by stating that the petitioner has to file an appeal before the first respondent Government. Immediately, the petitioner filed an appeal on 2.6.2015 as per Rule 5(2) of the Tamil Nazdu Panchayats (Surcharge and Disallowance and Charge) Rules, 2000. The said Appeal is now pending before the first respondent without disposal. Hence, the petitioner has come forward with this Writ Petition.

3. Heard Mr.C.K.Chandrasekhar, learned counsel appearing for the petitioner and Mrs.M.E.Rani Selvam, learned Additional Government Pleader appearing for the respondents.

4. It is not in dispute that the petitioner has already preferred an appeal before the Director of Panchayat, Chennai, and the said authority is said to have returned the appeal by retaining original files with him. Now the appeal has been preferred before the first respondent and without the original files, the first respondent is not in a position to dispose of the matter. Therefore, the Director of Panchayats, Chennai, who has not been made as party to this Writ Petition, is suo motu impleaded as fourth respondent and Mrs.M.E.Rani Selvam, learned Additional Government Pleader accepts notice on behalf of the said respondent.

5. Accordingly, the Director of Panchayats, Chennai, is directed to transfer all the files with regard to the petitioner's appeal to the first respondent, within a period of three weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent after affording an opportunity of personal hearing to the petitioner, pass orders on merits and in accordance with law, within a period of four

weeks thereafter.

The Writ Petition is disposed of accordingly. No costs.
Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

rpa

To

- 1 The Secretary
The State of Tamil Nadu
Rural Development and
Panchayat Raj Department
Secretariat, Chennai-600 009.
- 2 The District Collector
Coimbatore District
Collectorate, Coimbatore.
- 3 The Assistant Director (Audit)
Rural Development Department
Collectorate Compound, Coimbatore-18.
4. The Director of Panchayats,
Chennai.

1 CC to Mr.C.K.Chandrasekhar, Advocate SR.No. 55650

1 CC to the Government Pleader, SR.No. 55976

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W.P.No. 32451 OF 2015

KSJ (CO)

PSI (02.11.2015)