

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN, J

Writ Petition No.33292 of 2015

A.Nagara

.. Petitioner

vs.

1. The District Collector/
Inspector of Panchayat,
Namakkal District,
Namakkal.

2. R.Radhamani

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the first respondent to forthwith consider and pass orders in accordance with law on the representation of the petitioner dated 28.09.2015.

For Petitioner : Mr.P.Saravana Sowmiyan

For R.1 : Mrs.M.E.Rani Selvam,
Additional Government Pleader

ORDER

The petitioner is one of the Ward member of the Kaliyanur Panchayat, Pallipalayam Panchayat Union, Tiruchengode Taluk, Namakkal District. Alleging that the second respondent President has embezzled huge money belonging to the Panchayat, a report was made and an enquiry was conducted. The second respondent was slapped with an order dated 19.09.2015 taking away the cheque signing power of the second respondent. Not satisfied with that, within a period of two days, the petitioner has given representation dated 21.09.2015 and subsequently, on 28.09.2015 to the first respondent to remove the second respondent as a President of the Village Panchayat. Since it has not been acted upon, the petitioner is before this Court with this writ petition.

2. Heard Mr.P.Saravana Sowmiyan, learned counsel for the petitioner and Mrs.M.E.Raniselvam, learned Additional Government Pleader appearing for the first respondent. No notice to the second respondent is required at this stage as this Court is proposed to direct the first respondent to conduct an enquiry on the representation of the petitioner dated 28.09.2015, after giving notice to the second respondent.

3. Admittedly, the petitioner has given representation on 21.09.2015. Thereafter, within a period of seven days, the petitioner has again given another representation on 28.09.2015 to the first respondent. It is evident from the records that the earlier order of

taking away the cheque signing power of the second respondent was passed by the first respondent only on 19.09.2015. Within two days, very hurriedly, the petitioner has given his representation on 21.09.2015 and subsequently, the petitioner has given another representation on 28.09.2015. Even before expiry of two weeks from the service of notice, the petitioner has approached this Court.

4. The first respondent is a District Collector who has got many responsibilities including the law and order and other administrative works. Therefore, it may not be appropriate to direct the first respondent to conduct enquiry within a short period. Therefore, the first respondent is directed to conduct enquiry on the representation of the petitioner dated 28.09.2015, after issuing notice to the second respondent as well as the petitioner and dispose of the same, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition is disposed of. No cost.
Jbm

Sd/-
Assistant Registrar (C.O.)

/True Copy/

Sub-Assistant Registrar

To

The District Collector/
Inspector of Panchayat,
Namakkal District,
Namakkal.

+1 C.C. To MR.P.Saravana Sowmiyan, Advocate in SR.NO.57092

W.P.No.33292 of 2015

KJI (CO)
sd : 04/11/2015

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