

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.11.2015

CORAM

The Hon'ble Mr.Justice T.S.Sivagnanam

W.P.No. 35157 of 2015

M.Venkatraman

...Petitioner

Vs

1. Government of Tamil Nadu,
Rep. by its Secretary,
Rural Development and Panchayat Raj Department,
Fort St.George, Chennai - 600 009.
2. The District Collector,
Cuddalore District,
Cuddalore.
3. The Deputy Director (Panchayats)
Vridhachalam, Cuddalore District.
4. Jayamani

...Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents herein to consider and pass orders on the representation of the petitioner dated 10.08.2015 against the 4th respondent under the provisions of the Tamil Nadu Panchayats Act, 1994.

For Petitioner

:

Mr.C.Muruganandam

For Respondents 1 to 3

:

Mr.R.Rajeswaran

Special Govt. Pleader

O R D E R

Mr.R.Rajeswaran, Special Government Pleader accepts notice for respondents 1 to 3.

2. The petitioner is a ward member of Tholar Village Panchayat, Nallur Panchayat Union, Thittakudi Taluk, Cuddalore District. The grievance is as against the fourth respondent, who is the President of the said Tholar Village Panchayat. According to the petitioner, there are several malfeasance and misfeasance committed by the fourth respondent, and in this regard, the petitioner has submitted a representation to the second respondent to take action. Since no action was initiated, the petitioner is before this Court by way of present Writ Petition.

3. Since, this Writ Petition is disposed of, without notice to the fourth respondent at the admission stage, the merits of the allegations made by the petitioner against the fourth respondent are not gone into, and, it is for the second respondent/Inspector of Panchayats, to take note of the allegations and act in accordance with law. It is noteworthy to mention that the Government has recently issued Orders, vide G.O.Ms.No.99 dated 21.09.2015, wherein, the Government has stipulated certain procedures to be followed by all Authorities in the matter of consideration of representation and passing of orders. Therefore, even without issuance of any direction, the second respondent was bound to pass orders on the representation in the light of the Government Order issued recently. Furthermore, the Chief Secretary of Government of Tamil Nadu has already issued instructions to all Heads of Department and Authorities to scrupulously follow the instructions issued by the Government, from time to time and deal with the representations on merits and also to comply with the Court orders without violation.

4. In the light of the above, there will be a direction to the second respondent to consider the petitioner's representation dated 10.08.2015, after issuing notice to the petitioner as well as the fourth respondent and pass orders on merits in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into merits of the allegations made against the fourth respondent, and it is for the second respondent to take a decision on merits.

With the above direction, this Writ Petition is disposed of. No Costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

ds

To

1. The Secretary to Government of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Fort St.George, Chennai - 600 009.
2. The District Collector,
Cuddalore District,
Cuddalore.
3. The Deputy Director (Panchayats)
Vridhachalam,
Cuddalore District.

1 CC to Mr.C.Muruganandam, Advocate SR.No. 60130

1 CC to the Government Pleader, SR.No. 59707

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