

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.9.2015

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.29361 of 2012

P.Eliyaperumal

.. Petitioner

vs.

1. The District Collector
Cuddalore District
Cuddalore
2. The Project Officer
District Revenue Development Agency
Cuddalore
3. The Block Development Officer
Kattumannarkoil panchayat union
Cuddalore District
Cuddalore
4. Tmt.Jothi

.. Respondents

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to consider the representation made by the petitioner dated 04.01.2012 and the representation dated 10.5.2012 and to take appropriate legal action against the fourth respondent for having misappropriated the money allotted under Mahatma Gandhi National Employment Assurance Scheme by falsification of records in the name of the petitioner and other family members as well as in the name of other villagers, within the time frame to be fixed by this Court.

For petitioner : Mr.G.Sankaran

For respondents : Mr.R.Ravichandran
AGP for R1 and R2
Mr.B.Anand for R3 and R4

O R D E R

Heard the learned counsels appearing for the parties concerned.

2. This writ petition has been filed praying that this Court may be pleased to issue a writ of Mandamus to direct the respondents 1 to 3 to consider the representations of the petitioner, dated 4.1.2012 and 10.5.2012, and to initiate appropriate legal action against the fourth respondent for having misappropriated the funds allotted under the Mahatma Gandhi National Employment Assurance Scheme, by creating false records.

3. The petitioner has alleged that the fourth respondent, who is the President of Keelakadambanur village Panchayat, Kattumannarkoil Taluk, had misappropriated the funds allotted under the Mahatma Gandhi National Employment Assurance Scheme, by forging records and by creating job cards in the name of a number of persons.

4. It has also been stated that the names of the wife and the children of the petitioner had also been included in the list of persons, for the allotment of the works, under the said scheme, which is managed by the fourth respondent. The misappropriation of funds has been done by the fourth respondent, from the month of June, 2010. Even though the petitioner had made representations to the respondents 1 to 3 to take appropriate legal action against the fourth respondent, no steps had been taken to initiate legal action against the fourth respondent, till the filing of the writ petition. In such circumstances, the petitioner has preferred the present writ petition before this Court, under Article 226 of the Constitution of India.

5. The learned counsel appearing for the petitioner had submitted that the fourth respondent had been committing the criminal offences by falsification of records, by misappropriation of public funds and by breach of trust, continuously, from the month of June, 2010. However, the respondents 1 to 3 had not taken any action against the fourth respondent, till date, in spite of several representations submitted to them.

6. The learned Additional Government Pleader appearing for the respondents 1 and 2 had submitted that an enquiry had been held against the fourth respondent, based on the allegations levelled against him. A report had been submitted by the Assistant Project Officer, who was nominated as the enquiry officer, to the Project Officer, the District Revenue Development Agency, Cuddalore, the second respondent herein, with the finding that certain mistakes had happened in the entries made in the official website of the second respondent and that the allegations levelled against the fourth respondent, by the petitioner, had not been proved.

7. The learned counsel appearing for the respondents 3 and 4 had submitted that the petitioner had made certain allegations against the fourth respondent as a counterblast to the action taken, by the fourth respondent, against the son of the petitioner, who had molested a girl residing in the Keelakadambanur village. The fourth respondent had imposed a fine on the son of the petitioner for the molestation committed by him. The fourth respondent has not committed any of the offences alleged by the petitioner.

8. In view of the submissions made by the learned counsels appearing for the parties concerned, this Court is of the considered view that the allegations made by the petitioner had not been substantiated as per the report of the enquiry officer, who had conducted an enquiry, based on the representations made by the petitioner. In such circumstances, this Court does not find any cause or reason to grant the relief, as prayed for by the petitioner, in the present writ petition. Hence, the writ petition stands dismissed. However, it goes without saying that it may be open to the petitioner to challenge the report of the enquiry officer, dated 3.12.2012, submitted to the second respondent, before the appropriate authority, in the manner known to law. No costs.

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Sd/-
Assistant Registrar (Judicial)

/True Copy/

Sub-Assistant Registrar

To:

1. The District Collector
Cuddalore District
Cuddalore
2. The Project Officer
District Revenue Development Agency
Cuddalore
3. The Block Development Officer
Kattumannarkoil panchayat union
Cuddalore District, Cuddalore

+1 C.C. To MR.ANAND, Advocate in SR.NO.52910

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EV(CO)
sd : 08/10/2015