

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P. No.19902 of 2013

S.Baskar

.. Petitioner

v.

1.The Inspector of Panchayat and
District Collector,
Thiruvallur District, Thiruvallur.

2.T.Rose Pillai

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to initiate criminal proceedings against the second respondent on the basis of petitioner's representation dated 24.05.2013 and to recover a sum of Rs.33,28,321/- from the second respondent.

For petitioner : Mr.T.P.Sekar

For respondents: Mr.R.Vijayakumar, AGP for R1
Mr.S.Kumaradevan for R2

ORDER

Heard Mr.T.P.Sekar, learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the first respondent and Mr.S.Kumaradevan, learned counsel for the second respondent.

2.The petitioner seeks for issuance of writ of mandamus directing the first respondent to initiate criminal proceedings against the second respondent on the basis of the petitioner's representation dated 24.05.2013 and to recover a sum of Rs.33,28,321/- from the second respondent.

3.The case of the petitioner is that the second respondent was elected as SR Kandigai Village Panchayat President and he discharged his duties as Village Panchayat President for the period 2006-2011. During his tenure, funds were allotted to the said Village Panchayat for the purpose of various welfare schemes to the Village people. According to the petitioner, the second respondent misappropriated

funds to the extent of Rs.33,28,321/- by violating the Rules and Regulations of Tamil Nadu Panchayat Act, 1994.

4.It is not in dispute that the second respondent was removed from the post, based upon the order passed by the first respondent. Challenging the order passed by the first respondent, the second respondent herein filed W.P. No.9154 of 2012. Subsequently, the petition was dismissed as withdrawn by order dated 29.01.2013.

5.Learned counsel for the second respondent submitted that the second respondent has withdrawn the writ petition because the authorities enquired into all the matters and found that there is no misappropriation by the second respondent.

6.It is to be noted that the order passed by the first respondent was confirmed and therefore according to the second respondent, he has been completely exonerated by the authorities. Accordingly the writ petition is disposed of directing the first respondent to consider the petitioner's representation dated 24.05.2013 and to pass orders on merits and in accordance with law, after hearing the petitioner and the second respondent. No costs.

Sd/-
Assistant Registrar
Dated:17.3.15

True Copy

Sub Assistant Registrar

To

The Inspector of Panchayat and
District Collector,
Thiruvallur District, Thiruvallur.

+1 cc to Mr.T.P.Sekar, Advocate,SR.13377.

+1 cc to Mr.S.Kumaradevan, Advocate,SR.13308.

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