

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:28.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.11374 of 2016 &

W.M.P.No.9822 of 2016

B.Anandakumar

Vice President/Member Ward No.2

Neelampur Panchayat,

Sulur Panchayat Union

Coimbatore District 641 602.

[PETITIONER]

Vs

- 1 The Secretary to Government
Rural Development and
Panchayat Raj Department
Fort St. George, Chennai 600 009.
- 2 The District Collector and
Inspector of District Panchayat
Coimbatore, Coimbatore District.
- 3 The Election Commissioner
Tamil Nadu State Election Commission
No.208/2 Jawaharlal Nehru Road
Arumbakkam Opp Koyabedu Mofussial Bus Stand
Chennai 600 106
- 4 The Block Development Officer
Sulur Panchayat Union
Coimbatore District
- 5 The Thashildar
Sulur Taluk, Coimbatore District.
- 6 Latha
President, Neelampur Panchayat
No.2/258,Ambedkar Street,
Kulathur, Venkatapuram Post,
Coimbatore 641 062, Coimbatore.

7 K.Ramamurthy

[RESPONDENTS]

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the respondents 1 to 3 to consider the representation of the petitioner dated 2.3.2016 and affording the personal opportunity to record further statement of the writ petitioner

before passing final orders on the inspection report of the Assistant Director (Audit) Coimbatore dated 8.12.2014 pursuant to the order dt 18.2.2016 in W.P. No.9 of 2016.

For Petitioner : Mr.K.R.Rameshkumar

For Respondents: Mr.R.M.Muthukumar- R1, R2 & R5
Govt.Advocate

Mr.B.Nedunchezian - R3

Mr.P.V.Selvakumar - R4
Addl.Govt. Pleader

ORDER

Heard Mr.K.R.Rameshkumar, learned counsel appearing for the petitioner, Mr.R.M.Muthukumar, learned Government Advocate accepting notice for respondents 1, 2 & 5, Mr.B.Nedunchezian, learned counsel accepting notice for the third respondent and Mr.P.V.Selvakumar, learned Additional Government Pleader accepting notice for the fourth respondent and with the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal.

2.The petitioner is an elected Vice President of the Village Panchayat. It is stated that proceedings have been initiated against him and that the matter is now seized of by the Tamil Nadu State Election Commission, the third respondent. Since there was a stalemate in the matter, the complainant who lodged a complaint against the petitioner, (who has been impleaded as the 7th respondent in this Writ Petition), earlier approached this Court and filed a Writ Petition in W.P.No.9 of 2016, wherein a direction has been sought for upon the State Election Commission as well as the Secretary to the Government, Rural Development Department and the Inspector of Panchayats/District Collector to pass final orders on the inspection report which has been submitted by the Assistant Director (Audit), Coimbatore, dated 08.12.2014 and the statement obtained by the State Election Commission from the 7th respondent herein.

3.In the said Writ Petition, the petitioner herein was impleaded as the fourth respondent. This Court disposed of the Writ Petition with a direction to the State Election Commission to take further proceedings pursuant to the recording of the statement of the 7th respondent herein/petitioner in W.P.No.9 of 2016 on 05.05.2015 and keep the 7th respondent informed of the action taken, within a period of three months from the date of receipt of the copy of the order. The petitioner/4th respondent in W.P.No.9 of 2016, has now come before this Court praying for a direction to the State Election Commission to take note of his representation dated 02.03.2016.

4.It is the petitioner's case that in respect of identical allegation, the District Collector had issued a charge memo to Mrs.Latha, President of the Village Panchayat and she had challenged the same before this Court in W.P.No.33585 of 2014 and an interim order has been granted in the said Writ Petition. All that the petitioner herein now seeks is an opportunity to place the above fact before the State Election Commission.

5.Therefore, if the petitioner seeks for production of any other records, which according to him might have a bearing on the proceedings, then such liberty should be granted and the petitioner should not be foreclosed from placing of materials.

6.In any event, the time limit fixed by this Court in W.P.No.9 of 2016 is yet to be over. Therefore, there will be a direction to the petitioner to file an appropriate application before the third respondent, State Election Commission, placing all facts along with necessary annexures and the State Election Commission shall take note of the submissions made by the petitioner and thereafter proceed in accordance with law.

Since this Court has not gone into the merits of the contentions raised by the petitioner, notice to the respondents 6 & 7 is dispensed with.

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

Sd/-

Assistant Registrar(V)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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To

- 1 The Secretary to Government
Rural Development and Panchayat Raj Department
Fort St. George, Chennai 600 009.
- 2 The District Collector and
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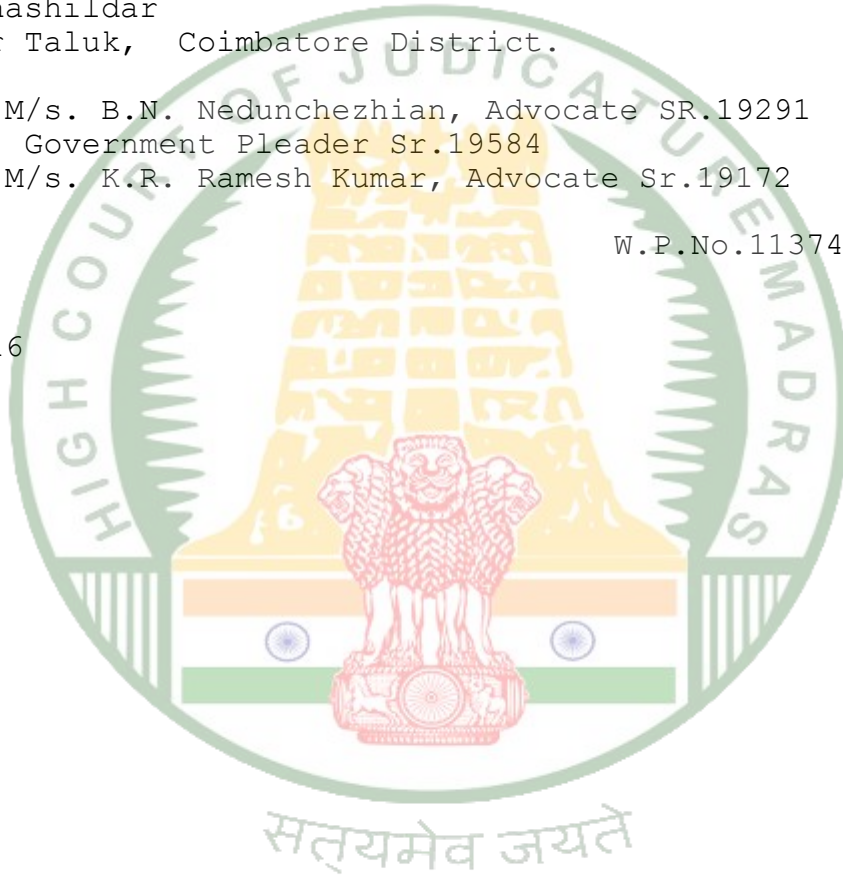
4 The Block Development Officer
Sulur Panchayat Union
Coimbatore District

5 The Thashildar
Sulur Taluk, Coimbatore District.

+ 1 cc to M/s. B.N. Nedunchezian, Advocate SR.19291
+ 1 cc to Government Pleader Sr.19584
+ 1 cc to M/s. K.R. Ramesh Kumar, Advocate Sr.19172

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