

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.12315 of 2016

and

W.M.P.No.10642 of 2016

S.Gnanasoundari

W/o.Samiappan

.. Petitioner

vs.

1. The Secretary to Government,
Rural Development Department,
Fort St.George, Chennai - 600 009.

2. The Director of Rural Development,
Panagal Building,
Saidapet, Chennai.

3. The Collector,
Thiruvavarur District.

4. Tmt.Vedanayagi Singaravelu,
Chairman,
Thiruthuraipoondi Panchayat Union,
Thiruvavarur District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to remove the fourth respondent from the post of Chairman of Thiruthuraipoondi Panchayat Union u/s.207 of the Tamil Nadu Panchayats Act, 1994, which was already recommended by the third respondent issued in his proceedings Na.Ka.No.6444/2014/A1 (Development) dated 17.11.2015.

For Petitioner : Mr.S.Ilamvaludhi

For Respondents : Mr.M.L.Mahendran

Government Advocate [R1 to R3]

O R D E R

By consent, the main Writ Petition itself is taken up for final disposal. Heard Mr.S.Ilamvaludhi, learned counsel for petitioner and Mr.M.L.Mahendran, learned Government Advocate for respondents 1 to 3.

2. In the light of the order this Court proposes to pass, notice to fourth respondent is dispensed with.

3. The petitioner seeks for issuance of a writ of mandamus to direct removal of fourth respondent from the post of Chairman of the Thiruthuraipoondi Panchayat Union u/s.207 of the Tamil Nadu Panchayats Act, 1994.

4. There has been a spate of litigations on the same subject between the petitioner and the fourth respondent. The petitioner and the fourth respondent, individually, has come before this Court earlier twice. All pertain to the same subject matter. It is no doubt true that initially there was a slackness in the enquiry to be conducted against the fourth respondent but on notice being issued in another Contempt Petition No.2286 of 2015, the District Collector has stated that the Enquiry Committee has been reconstituted and the matter will proceed in accordance with law. As assured to this Court, the enquiry proceeded in accordance with law and a report was submitted by the District Collector to the Government through the second respondent. This internal communication was challenged by the fourth respondent by filing a writ petition in W.P.No.40085 of 2015. The apprehension of the fourth respondent was that the procedure u/s.207 of the Tamil Nadu Panchayats Act, 1994, will not be followed. The District Collector filed counter affidavit in the said writ petition stating that the procedure u/s.207 of the Tamil Nadu Panchayats Act, 1994, will be strictly followed. Therefore, the said writ petition was dismissed as pre-mature. Now, the petitioner has come forward before this Court once again seeking the aforementioned relief.

5. As long as the District Collector is proceeding in accordance with law, no fetters should be issued at this stage since the enquiry is in progress and according to the learned Government Advocate, the adjourned date is 05.04.2016. Therefore, at this stage of the matter, no direction is required to be issued and it is suffice to observe that the third respondent shall proceed in keeping with the undertaking given before this Court in the earlier contempt proceedings.

This Writ Petition is disposed of with the above observation. No costs. Consequently, the connected miscellaneous petition is closed.

gm

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

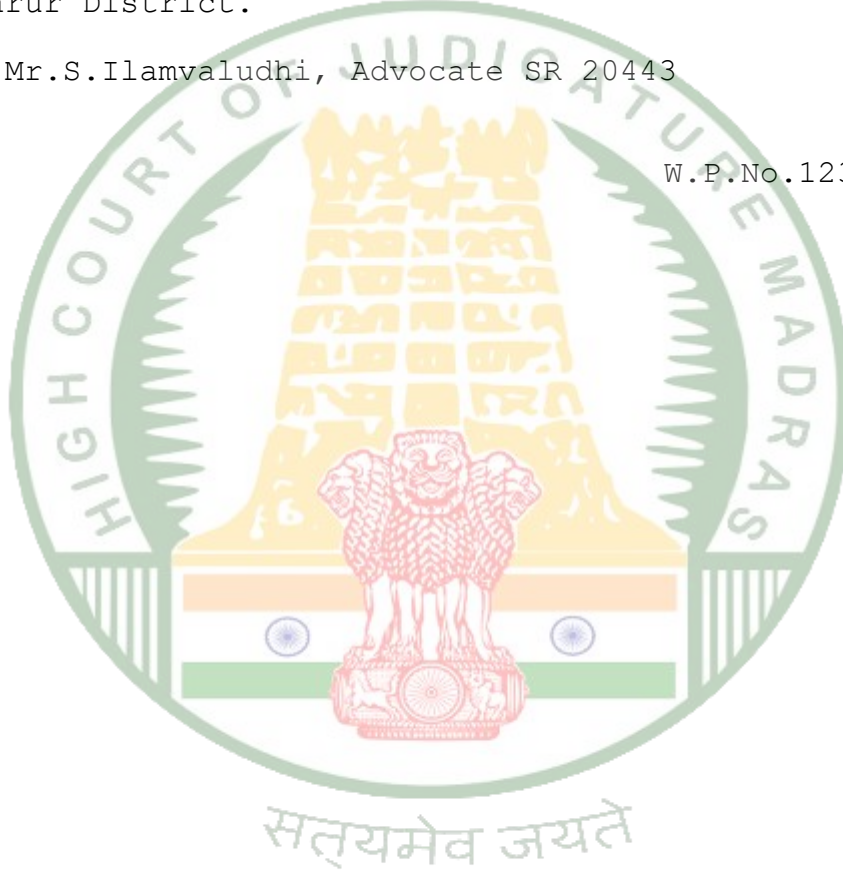
To

1. The Secretary to Government,
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Chennai - 600 009.
2. The Director of Rural Development,
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3. The Collector,
Thiruvavarur District.

+ 1 cc to Mr.S.Ilamvaludhi, Advocate SR 20443

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