

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.13215 of 2016

N.Murugan

.. Petitioner

Vs.

1. The District Collector,
Villupuram District, Villupuram.
2. The Assistant Director of Panchayat,
Collectorate,
Villupuram, Villupuram District.
3. The Block Development Officer
(Village Panchayat),
Block Development Office,
Kandamangalam,
Villupuram District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the third respondent to comply with the order passed by the second respondent in pursuant to his office Ref. in Na.Ka.No.A4/45/2016, dated 28.01.2016 within a stipulated period.

For Petitioner : Mr.E.Kannadasan

For Respondents : Mr.R.A.S.Senthilvel, Addl.G.P.

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the third respondent to comply with the order passed by the second respondent in pursuant to his office Ref.No.Na.Ka.No.A4/45/2016, dated 28.01.2016 within a stipulated period.

2. In the affidavit filed in support of the Writ Petition, it is averred by the petitioner that the Panchayat accounts were not audited by the respondents 2 and 3 as they are duty bound to do so and the same is not being done from 2011 to 2015. Taking advantage of non-auditing of the Panchayat accounts, the

Panchayat President colluded with the Panchayat Clerk, misappropriated the funds without even providing the basic necessities like providing drinking water from the overhead tanks, maintaining mini water tanks with electric motor pumps, hand bore-well pumps, street lights and the funds allotted to the beneficiary under the free house scheme. On knowing the misappropriation of the Panchayat funds, the petitioner preferred a complaint before the third respondent requesting them to conduct enquiry from the village people and find out the real position of the Panchayat and to verify the records. It is the grievance of the petitioner that the third respondent gave an evasive reply by simply stating that they will take necessary steps and sort out the issues. On account of non-taking of action by the third respondent, the petitioner gave a representation to the third respondent on 11.12.2015 under the provisions of the Right to Information Act, requesting him to furnish the documents and other relevant records on the issue. On receipt of the said representation, the third respondent directed the Panchayat Clerk to give reply in respect of the petitioner's right to information petition.

3. It is further stated by the petitioner that on the direction of the third respondent, the Panchayat Clerk, without perusing the petitioner's representation, on his own, forwarded the list of beneficiaries by leaving the other details without any authentication found in the documents. Hence, the petitioner immediately appealed to the second respondent on 14.01.2016 by narrating the factual aspects of the matter and non-complying of the petitioner's representation. On receipt of the said appeal under the Right to Information Act, the second respondent, by his Office proceedings in Na.Ka.No.A4/45/2016, dated 28.01.2016, has directed the third respondent to take necessary action on the appeal of the petitioner in a proper manner and the copy of the said proceedings was also communicated to the petitioner.

4. After the above direction of the second respondent, nothing had happened in respect of the representation/appeal of the petitioner and the third respondent has virtually not complied with the above said proceedings of the second respondent, dated 28.01.2016. Hence, the petitioner has filed the Writ Petition for the relief stated supra.

5. Heard both sides.

6. Taking into consideration the above facts and circumstances of the case and also taking note of the fact that misappropriation of funds is affecting the very functioning of the Panchayat and the culprit has to be nabbed and the said misappropriation of funds has to be nipped in the bud, this Court, without going into the merits of the case, directs the third respondent to comply with the above said proceedings of

the second respondent, dated 28.01.2016, conduct enquiry, afford an opportunity of personal hearing to the petitioner and necessary parties, including the alleged persons who have misappropriated the money as stated by the petitioner and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

CS

To

1. The District Collector, Villupuram District, Villupuram.
2. The Assistant Director of Panchayat,
Collectorate, Villupuram, Villupuram District.
3. The Block Development Officer
(Village Panchayat),
Block Development Office,
Kandamangalam,
Villupuram District.

+1cc to Mr.E. Dannadesan, Advocate, S.R.No.23704

SKV(CO)
EU(22/04/2016)

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