

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2016

CORAM

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.14175 of 2016

S.Jaishankar
Vice President of Kottalapakkam
Village Panchayat

... Petitioner

Vs.

1. The Director,
Directorate of Town and Country Planning,
Opposite to LIC,
807 Anna Salai,
Chennai - 600 002.
2. The District Collector,
Office of the District Collector,
Cuddalore District,
Cuddalore.
3. The Assistant Director,
Rural Development and Panchayat,
Cuddalore District,
Cuddalore.
4. The Block Development Officer (Panchayat)
Panchayat Union,
Anna Village,
Cuddalore District.
5. The Village President,
Kottalapakkam Panchayat,
Cuddalore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the second respondent to take action against the fifth respondent for removal of the president of Kottalapakkam Village Panchayat, Cuddalore District, based on the petitioner's representation, dated 24.03.2016.

For Petitioner : Mr.M.Senthilkumar

For Respondents 1 to 4 : Mr.R.Rajeshwaran
Special Government Pleader

O R D E R

Heard Mr.M.Senthilkumar, learned counsel appearing for the petitioner and Mr.R.Rajeshwaran, learned Special Government Pleader, accepting notice for respondents 1 to 4. Notice to fifth respondent is dispensed with, for the reasons stated infra.

2. The petitioner has filed this Writ Petition, seeking for issuance of a Writ of Mandamus to direct the second respondent to take action against the fifth respondent for removal of the President of Kottalapakkam Village Panchayat, Cuddalore District, based on the petitioner's representation, dated 24.03.2016.

3. The petitioner is the Vice President of Kottalapakkam Village Panchayat. His grievance is that, no action has been taken against the fifth respondent, the President of the said Panchayat, who is said to have forged the signature of the petitioner in the Panchayat documents. Earlier, the petitioner approached this Court, by filing a Writ Petition in W.P.No.13218 of 2015, seeking for a direction to the District Collector, Cuddalore District, to monitor the day today affairs of the President of the Panchayat. The said Writ Petition was disposed of, by order, dated 29.04.2015, with a direction to consider the petitioner's dated 16.03.2015. In spite of such direction, no action was initiated by the District Collector, and the petitioner has submitted representations to various authorities and there was stalemate in the matter. Parallely, the petitioner has lodged a criminal complaint against the President of the Panchayat/fifth respondent, and said complaint has been registered in Crime Number 231 of 2015 on the file of Pudupettai Police Station, for the alleged offence under Sections 120-B, 420, 468 and 471 of the Indian Penal Code. With these facts, the petitioner has, once again, given a representation to the District Collector.

4. Since the Writ Petition is disposed of at the admission stage, without notice to the fifth respondent, the merits of the allegations made by the petitioner against the fifth respondent cannot be considered at this stage, and it is for the second respondent to consider the same, after issuing notice to the

fifth respondent. Since no adverse orders are passed against the fifth respondent, notice to the fifth respondent is dispensed with.

5. In the light of the above, there will be a direction to the second respondent to consider the petitioner's representation, dated 24.03.2016, sent by speed post on the same day, and pass orders on merits and in accordance with law, after issuing notice to the fifth respondent. The above direction be complied with by the second respondent within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sd

To

1. The Director,
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5. The Village President,
Kottalapakkam Panchayat,
Cuddalore District.

+1cc to the Government Pleader, S.R.No.25422

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NM(CO)

CA(09/05/2016)