

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 20.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
W.P.No.14402 of 2016

M. Sundari [PETITIONER]

Vs

- 1 The Inspector of Panchayat/
District Collector
Perambalur, Perambalur District.
2. The Assistant Director (Panchayats/Audit)
Collectorate, Perambalur,
Perambalur District.
- 3 S. Allikodi [RESPONDENTS]

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the First Respondent to take appropriate action on the petitioners representation dated 19/02/2015 in the light of the Proceedings of the second respondent in Na.Ka.No.A4/766/2015 dated 05/05/2015 for recovery of the amount due from the third respondent to the petitioner's panchayat namely Vayalapadi Panchayat, Kunnam Taluk, Perambalur District.

For Petitioner : Mr.P.Rajendran

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

ORDER

Heard Mr.P.Rajendran, learned Government Advocate appearing for the petitioner and Mr.R.M.Muthukumar, learned Government Advocate, accepting notice for the respondents 1 & 2 and with the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2.The petitioner is an elected President of the Vayalapadi Village Panchayat and her term of Office is from 2011 to 2016. The former President of the said Village Panchayat was the third respondent, who occupied the Office for the period from 2006 to 2011. It is stated that during her tenure, she had committed several mal-practices and

misappropriated funds, thereby causing loss to the Panchayat. After she demitted Office, proceedings were initiated by the District Collector for recovery of the said amount payable to the Panchayat and those actions remained only as 'paper orders' and the same was not implemented for the reasons best known. After the petitioner assumed charge as the President of the Panchayat, she submitted representation on 19.02.2015, to initiate appropriate action to recover the amounts from the third respondent. That representation was taken into consideration and the second respondent vide proceedings dated 05.05.2015, brought to the notice of the District collector about the matter and requested order for initiating appropriate action under the Revenue Recovery Act to recover the said amount. In spite of one year having lapsed, till date no action has been initiated on the proposal submitted second respondent, which has prompted the petitioner to approach this Court.

3. Since the Writ Petition is disposed of at the admission stage without notice to the third respondent, the merits of the allegations made by the petitioner are not gone into and left open to be taken into consideration by the first respondent.

4. In the light of the proposal submitted by the second respondent on 05.05.2015, there will be a direction to the first respondent to consider the same and initiate appropriate action in accordance with law, after notice to the third respondent, within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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To

1 The Inspector of Panchayat/
District Collector
Perambalur, Perambalur District.

2. The Assistant Director (Panchayats/Audit)
Collectorate, Perambalur,
Perambalur District.

+1cc to Mr.P.Rajendran, Advocate, S.R.No.25272 (13.06.2016)

W.P.No.14402 of 2016

EV(CO)

En 29.04.16

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