

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.03.2016

Coram

The Hon'ble Mr.Justice T.S.SIVAGNANAM

Writ Petition No.32971 of 2014

&

M.P.Nos.1,2 of 2014 and 1 of 2015

J.Nirmala

...Petitioner

Vs.

1 The District Collector
Inspector of Panchayat Villupuram District
Villupuram

2 Assistant Director of
Panchayat Villupuram District Villupuram

3 T.Sekar
impleaded as per the
order of this Court
dated 29.03.2016

....Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for the records from 1st respondent in file No.Na.Ka.No.A3/2456/2014 dt.28.11.2014 the Enquiry report dated 28.11.2014 of 2nd respondent and quash the same and direct the respondents to accept the Enquiry report made by Assistant Project Officer Villupuram District and act upon the same.

For Petitioners : Mr.A.Panneerchelvam

For Respondents : Mr.R.M.Muthukumar,
Govt.Advocate For R1 and 2

Mr.U.Venkatesan for R3

O R D E R

Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

2. Petitioner has filed this writ petition challenging a report submitted by the 2nd respondent based on certain allegations which were made against the petitioner by the 3rd respondent who had lodged complaints against the petitioner and also filed writ petition before this Court in W.P.No.23544 of 2013, in which direction was issued by order dated 03.07.2014 to consider the representation.

3. In the affidavit filed in support of the writ petition, several factual allegations have been made by the petitioner to justify that he has administered the Panchayat and the funds in a proper manner and no illegality has been committed. To demonstrate this contention petitioner placed reliance on the report of the Assistant Project Officer, District Rural Development dated 28.11.2014, wherein it appears that the said officer has verified the records and given a clean chit to the petitioner. According to the petitioner the impugned report by the Assistant Director of the Panchayat is contrary to the said report dated 28.11.2014 and therefore, there is no basis for action under Section 205 of the Tamilnadu Panchayat Act, 1994 (hereinafter referred to as the 'Act')

4. In my view the stage at which the writ petition is filed is premature, since the District Collector is yet to take cognizance of the reports. It is needless to state that when the District Collector peruses the report of the Assistant Director he should necessarily peruse the report of the Assistant Project Director dated 28.11.2014 who has completely exonerated the petitioner. However, on the grounds raised by the petitioner which are all factual, the District Collector cannot be enjoined from proceeding further with the statutory power conferred under Section 205 of the Act.

5. Accordingly, the writ petition is disposed of by directing the 1st respondent to take note of the reports of the Assistant Director, Panchayat and Assistant Project Director and thereafter proceed in accordance with law. No costs. M.P.No.1 of 2015 is ordered. Consequently, connected miscellaneous petitions are closed.

kpr

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1 The District Collector
Inspector of Panchayat Villupuram District.
Villupuram

2 Assistant Director of
Panchayat Villupuram District Villupuram.

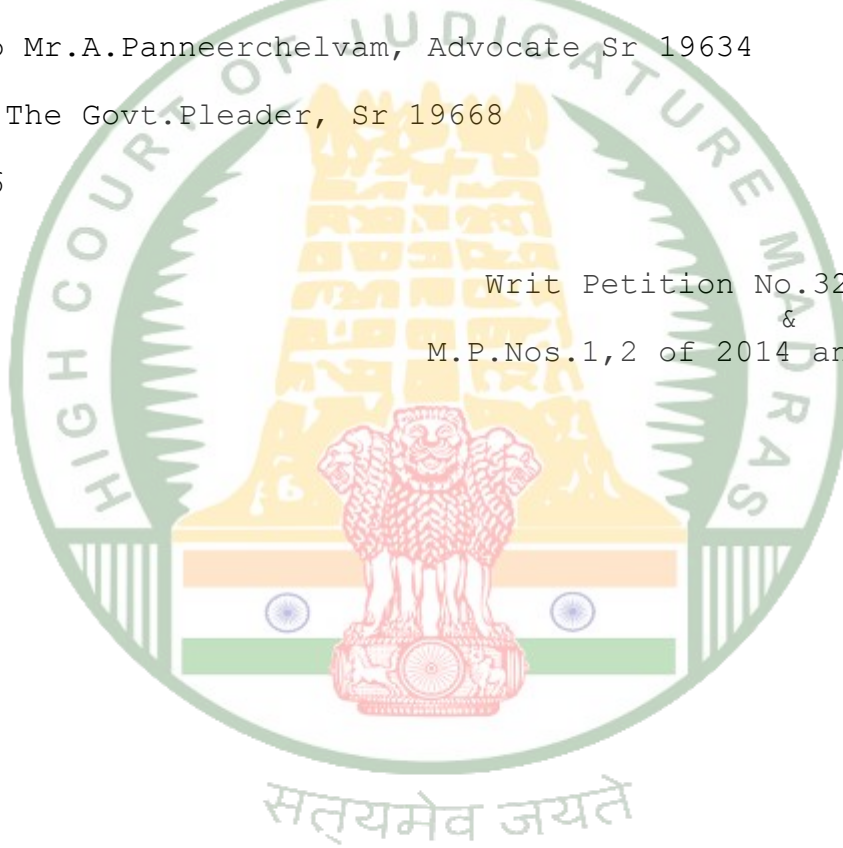
+ 1 cc to Mr.K.Govindaraj, Advocate Sr 19759

+ 2 ccs to Mr.A.Panneerchelvam, Advocate Sr 19634

+ 1 cc to The Govt.Pleader, Sr 19668

KR/27/4/16

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&
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