

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.14027 of 2014

and

M.P.No.1 of 2014

R.Sundararajan

... Petitioner

Vs.

1.The District Collector
Tiruppur District, Tiruppur.

2.The Assistant Director (Panchayats)
Office of the District Collector
Tiruppur, Tiruppur District.

3.The Block Development Officer
(Village Panchayat)
Udumalpet Circle
Udumalpet, Tiruppur District.

4.The Vadaboothinatham Village Panchayat
represented by its Executive Officer
Vadaboothinatham, Udumalpet Taluk
Tiruppur District.

5.M.Tamil Mani

.. Respondents

The writ petition is filed under Article 226 of the Constitution of India praying for the issue of a writ of mandamus, forbearing the 5th respondent from functioning as the Vice-President of the Vadaboothinatham Village Panchayat till the enquiry under Section 38(i) of the Tamil Nadu Panchayat Act, 1994 is completed by the second respondent.

For Petitioner

: M/s.K.Selvaraj

For Respondents No.1 & 2 : Mr.P. Karthikeyan
Govt. Advocate

For Respondents No.3 & 4 : Mr.Dig Vijaya Pandian

For Respondent No.5 : No appearance

ORDER

Inspite of the Court Notice having been served on the fifth respondent, there is no appearance, on behalf of the fifth respondent.

2. Heard the learned counsel, appearing on behalf of the petitioner, as well as the learned counsels, appearing on behalf of the respondents 1 to 4.

3. This writ petition has been filed by the petitioner, praying that this Court may be pleased to issue a Writ of Mandamus, forbearing the 5th respondent from functioning as the Vice-President of the Vadaboothinatham Village Panchayat till the enquiry, under Section 38(i) of the Tamil Nadu Panchayats Act, 1994, is completed by the second respondent.

4. Though various grounds have been raised in the affidavit filed in support of the writ petition, the learned counsel, appearing on behalf of the petitioner has submitted that it would suffice, if the first respondent is directed to dispose of the representation, dated 24.1.2014, on merits and in accordance with law, within the time frame, as may be fixed by this Court.

5. In view of the averments made in the affidavit filed in support of the writ petition and in view of the submissions made by the learned counsel, appearing on behalf of the petitioner, this Court finds it appropriate to direct the first respondent to dispose of the representation of the petitioner, dated 24.01.2014, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after giving an opportunity of hearing to the petitioner and the fifth respondent, as well as the other persons concerned, if any. The petitioner shall furnish a copy of the representation, dated 24.01.2014, to the first respondent, along with a copy of this order. However, it is made clear that this Court has not expressed any opinion on the merits of the matter, by passing this order.

6. The writ petition is disposed of, with the above directions. No costs. Consequently, connected M.P. is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

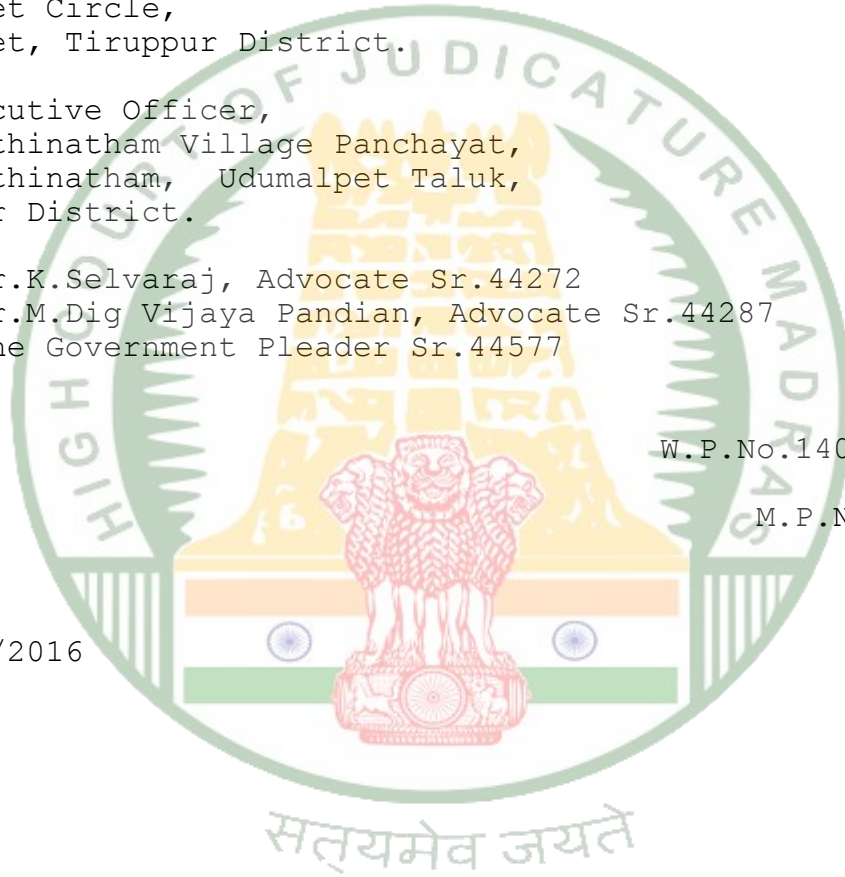
To

- 1.The District Collector,
Tiruppur District, Tiruppur.
- 2.The Assistant Director (Panchayats),
Office of the District Collector,
Tiruppur, Tiruppur District.
- 3.The Block Development Officer,
(Village Panchayat),
Udumalpet Circle,
Udumalpet, Tiruppur District.
- 4.The Executive Officer,
Vadaboothinatham Village Panchayat,
Vadaboothinatham, Udumalpet Taluk,
Tiruppur District.

+lcc to Mr.K.Selvaraj, Advocate Sr.44272
+lcc to Mr.M.Dig Vijaya Pandian, Advocate Sr.44287
+lcc to the Government Pleader Sr.44577

W.P.No.14027 of 2014
and
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srg 01/09/2016



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