

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-03-2016

CORAM:

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.No.26251 of 2015

T.K. Subramani

.. Petitioner

Vs.

1. The District Collector cum Inspector of Panchayat
Erode District, Erode.
2. The Block Development Officer,
Bhavani Sagar, Erode District.
3. Nagaraj
The President
Kothamangalam Village Panchayat
Kothamangalam
Bhavani Sagar Taluk
Erode District.

.. Respondents

Writ Petition under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to conclude the proceedings initiated under Na.Ka.No.3732/2012 A2 dated 05-11-2012 within a time frame as stipulated by this Court and pass orders.

For Petitioner : Mr. R. Jayaprakash

For Respondents : Mr. R. Rajeswaran, Spl.G.P.
For RR1 and 2

ORDER

The petitioner, who is a resident of the Village Thayirpallam, which falls within the jurisdiction of Kothamangalam Village Panchayat seeks for a direction to the first respondent to conclude the proceedings initiated against the third respondent under Section 205 of the Tamil Nadu Panchayat Act, 1995. All that the petitioner wants to ensure is that the proceedings initiated by the District Collector has to be taken to its logical end, so that the culprits can be brought to book.

2. In the counter filed by the Block Development Officer, the second respondent herein, it is stated that the Collector cannot proceed further unless and until the forensic report is received from the Forensic Laboratory, Chennai in respect of a criminal case registered against the third respondent in Crime No.55 of 2012 for offences under Sections 120(b), 406, 408 of IPC on the file of the District Crime Branch, Erode. It is rather surprising to note that such a stand has been taken by the District Collector, when normally proceedings under Section 205 of the Act are independent to the criminal proceedings initiated. Furthermore, the counter affidavit does not state as to on what date the cheques were sent for specimen signature to the Forensic Laboratory, Chennai by the Inspector of Police, District Crime Branch, Erode. Thus, this Court can safely presume that the third respondent is being shielded or there is lethargy in the action initiated against the third respondent. That apart, the counter affidavit does not specifically reveal as to the impact of the report of the Forensic Laboratory on the proceedings initiated under Section 205 of the Act.

3. In the light of the above, this Court proposes to issue the following directions:

The first respondent is directed to immediately look into the matter and ensure that the Forensic Report is obtained within a period of four weeks from the date of receipt of a copy of this order, failing which he shall independently proceed with the matter initiated by him under Section 205 of the Act. It is made clear that the criminal proceedings shall be conducted separately.

4. The District Collector shall endeavour to complete the entire proceedings after a period of eight weeks on expiry of the four weeks' time granted.

5. Accordingly, the writ petition is disposed of. No costs.

glp

Sd/-
Asst.Registrar

WEB COPY

/true copy/

Sub Asst. Registrar

To

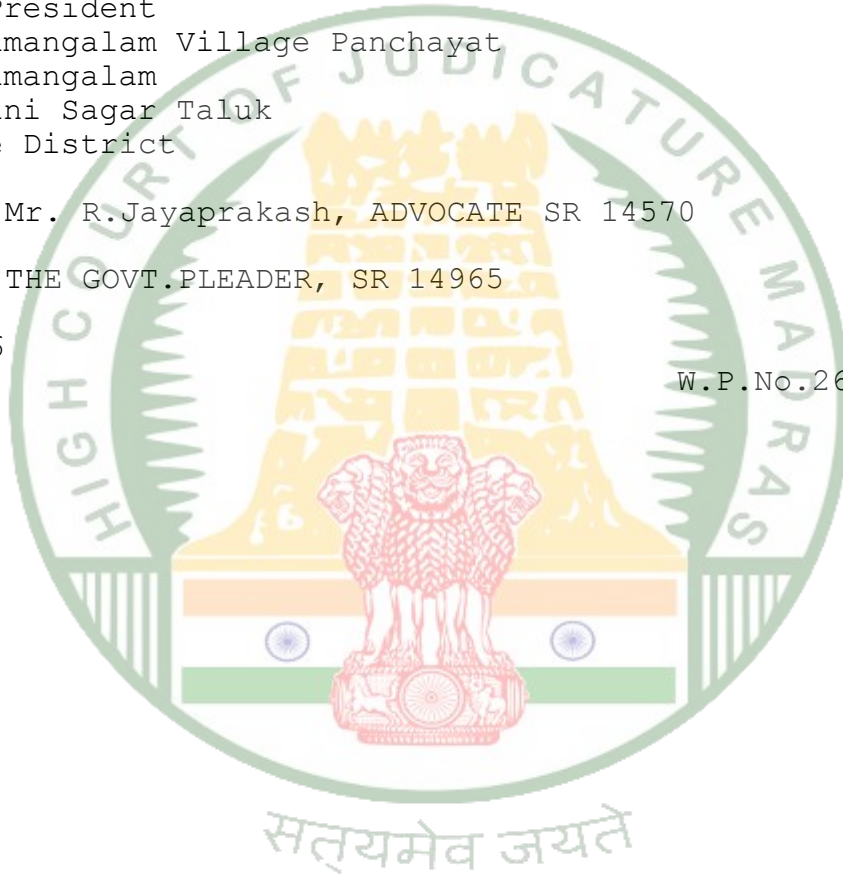
1. The District Collector cum Inspector of Panchayat
Erode District
Erode
2. The Block Development Officer
Bhavani Sagar
Erode District
3. The President
Kothamangalam Village Panchayat
Kothamangalam
Bhavani Sagar Taluk
Erode District

+ 1 CC TO Mr. R.Jayaprakash, ADVOCATE SR 14570

+ 1 CC TO THE GOVT.PLEADER, SR 14965

KR/18/3/16

W.P.No.26251 of 2015



WEB COPY