

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.03.2016

Coram

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

Writ Petition No.40085 of 2015
and
M.P.Nos.1 and 2 of 2015

S.Vedanayagi

...Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary,
Rural Development and Panchayat Raj,
Fort St.George, Chennai - 600 009.
2. The District Collector,
Thiruvarur District,
Thiruvarur.
3. The District Revenue Officer,
Thiruvarur District,
Thiruvarur.
4. S.Gnanasoundari
5. V.T.Selvan
6. D.Surendran
7. M.N.Raja
(R-4 to R-7, impleaded as per order
dated 05.02.2016, in W.M.P.No.1605/2015
of this W.P.)

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari to call for records, relating to the second respondent in Na.Ka.No.6444/2014/A1 (Valarchi) dated 17.11.2015, and to quash the same.

For Petitioner : Mr.L.Chandrakumar

For Respondents 1 to 3: Mr.R.Vijayakumar
Addl. Government Pleader

For Respondents 4 to 7: Mr.S.Ilanvazudhi

O R D E R

Heard the learned counsel appearing for the parties.

2. The petitioner has challenged the proceedings, dated 17.11.2015, which is nothing but an internal communication between the District Collector, Tiruvarur District and the Secretary to Government of Rural Development and Panchayatraj Department, through the Director of Rural Development, Chennai.

3. The petitioner cannot be aggrieved by the internal communication, which has been sent by the Authority to his Superior Officer. This Court had earlier heard the Writ Petition filed by the respondents 3 to 7 herein, being W.P.No.332 of 2015, wherein, they sought for a direction to dispose of their representation. The said Writ Petition was disposed of by order, dated 09.02.2015, pursuant to which, it appears that the Committee was reconstituted and proceedings were initiated and the matter is under process. By securing a copy of the internal communication between the District Collector and the Government, the petitioner is before this Court alleging that provisions of Section 207 of Tamil Nadu Panchayats Act, 1994 (hereinafter referred to as 'the Act') have not been followed.

4. In my view, the plea raised by the petitioner is premature. It has to be pointed out at this juncture that one M.Muthukumanan, filed a Writ Petition before the Hon'ble First Bench, being W.P.No.2713 of 2016, praying for issuance of Writ of Mandamus to direct the Government to take appropriate action against the fifth respondent, who is the petitioner herein, under section 207 of the Act, which has been already been commenced by the District Collector, vide proceedings, dated 17.11.2015 (which is impugned herein). The Hon'ble First Bench, by order, dated 27.01.2016, disposed of the said Writ Petition with the following observations:-

" The battle is clearly between two sections of Panchayat, but the fact remains that an enquiry report, dated 17.11.2015, has found against respondent No.5, the existing Chairman of the Panchayat Union. The findings are serious in character, being of financial impropriety, and thus, must be taken to the logical conclusion.

2. The respondents should, thus, proceed in accordance with law in pursuance to the enquiry report, if no action is taken till now and conclude the issue within a

maximum period of two (2) months of the receipt of the order. If some action has already been taken, an intimation be sent to the petitioner forthwith.

3. Writ Petition is closed in the aforesaid terms. No costs. Consequently, W.M.P.No.2266 of 2016 also stands closed."

5. In the light of the above direction issued by the Hon'ble First Bench, which is binding not only upon the respondents herein, but also the petitioner, as she was a party respondent in the said Writ Petition, therefore, the parties were bound to comply with the same. The only ground on which, the petitioner has challenged the impugned proceedings (internal communication) is that the respondents are proposing to pass orders without following the procedures under Section 207 of the Act. The District Collector has filed a counter affidavit in this regard, clearly stating that action would be taken by the Government in the matter in accordance with Section 207 of Tamil Nadu Panchayats Act, 1994. The said statement made by the District Collector/second respondent in the counter affidavit is placed on record. Accordingly, the Writ Petition is dismissed as premature one, and it is open to the respondents to proceed with the matter, as per the direction issued by Hon'ble First Bench, referred to above. No costs. Consequently, connected Miscellaneous Petitions are closed.

sd

s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1. The Secretary, State of Tamil Nadu,
Rural Development and Panchayat Raj,
Fort St.George, Chennai - 600 009.
2. The District Collector,
Thiruvarur District, Thiruvarur.
3. The District Revenue Officer,
Thiruvarur District, Thiruvarur.

+ 1 cc to Govt.Pleader SR 19583

+ 1 cc to Mr.S.Ilamvaludhi, Advocate SR 19455

rv(co)

prk13/4

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