

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2016

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.24117 of 2016
and
WMP.No.20636 of 2016

C.Arul

... Petitioner

Vs

1. The District Collector cum
Inspector of Panchayats
Villupuram District
Villupuram
2. Assistant Director (Audit)
Kallakuruchi Villupuram District
3. The Assistant Director
(Village Panchayat) Kallakuruchi
Villupuram District
4. Mrs.Kamalam Chinnasamy
5. Mr.T.Marimuthu
6. Mr.A.Venkatesan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondent No.1 to pass order on the enquiry dated 24.12.2014 with reference to undated report (but signed as 05.02.2015) submitted by the respondent No.2 regarding irregularities in Thiruppeyar Village Panchayat.

For petitioner : Party-in-Person

For Respondents : Mr.RM.Muthukumar,
Government Advocate (R1-3)
R4-6 notice dispensed with

ORDER

Mr.RM.Muthukumar, learned Government Advocate takes
notice for the respondents 1 to 3.

2. The petitioner is the Vice President of Thiruppeyar Village Panchayat, Thiruppeyar Thakka Village, Thiruppeyar Post, Ulundurpet Taluk, Villupuram. The 4th respondent is the President of the said Village Panchayat. According to the petitioner, the 4th respondent, with the help of the 6th respondent, Secretary of the said Village Panchayat, is indulging in misappropriation of the Panchayat money, by withdrawing the same without any approval of the Panchayat. Therefore, the petitioner gave a representation to the 1st respondent on 01.12.2014. Pursuant to the same, the 2nd respondent conducted an enquiry and submitted his report dated 05.02.2015 to the 1st respondent by stating that the allegations made by the petitioner are false. Thereafter, the petitioner, after obtaining the said report filed by the 2nd respondent, submitted his objections by way of representation on 14.12.2015, which evoked no response. Therefore, the petitioner sent a notice on 22.04.2016 to the respondents 1 to 3 to consider his objections dated 14.12.2015 submitted to the Enquiry Officer's report dated 05.02.2015. However, no action has been taken. Hence, the petitioner has come before this Court.

3. Heard the petitioner in person and Mr.RM.Muthukumar, learned Government Advocate for the respondents 1 to 3. Since this Court is inclined to direct only the official respondents to consider and pass orders on the objections of the petitioner on merits, after issuing notice to respondents 4 to 6, notice to respondents 4 to 6 is dispensed with.

4. A perusal of the records would show that at the instance of the petitioner only, an enquiry was conducted by the 2nd respondent. When the petitioner made objections to the Enquiry Officer's report filed by the 2nd respondent, this Court is of the view that the same has to be considered on merits.

5. In view of the same, the 1st respondent is directed to consider the petitioner's objections dated 14.12.2015 so also the notice dated 22.04.2016 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after issuing notice to respondents 4 to 6.

The writ petition is disposed of accordingly. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

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To

1. The District Collector cum
Inspector of Panchayats
Villupuram District
Villupuram
2. The Assistant Director (Audit)
Kallakuruchi Villupuram District
3. The Assistant Director
(Village Panchayat) Kallakuruchi
Villupuram District

+1cc to the Government Pleader, S.R.No.39931

W.P.No.24117 of 2016

LRS (CO)
CA (29/07/2016)



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