

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2016

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 28153 of 2016

R. Gnanasekaran

... Petitioner

Vs.

1. The District Collector cum
The Inspector of Panchayats,
Coimbatore, Coimbatore District.

2. The Assistant Director of Rural
Development (Audit),
Coimbatore - 18.

3. N. Deverajan,
President,
Chinniyampalayam Panchayat,
Chinniyampalayam,
Coimbatore District.

... Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing respondents 1 and 2 to consider the representation of the petitioner dated 01.08.2016 seeking to complete the proceedings initiated under Section 205 of the Panchayat Act, 1994 and forthwith pass orders.

For Petitioner : Mr.Doraisami,
Senior Counsel for
M/s. Muthumani Doraisami

For Respondents : Mr.T.M. Pappiah,
Special Government Pleader
for R1 and R2
Mr.P. Srinivas for R3

O R D E R

The petitioner is a Councillor of V ward of Chinniyampalayam Panchayat, Coimbatore District. The 3rd respondent is the President of the said Panchayat. Certain financial irregularities were said to have been committed by the

3rd respondent and therefore, based on the report of the Assistant Director (Panchayats), Coimbatore, the cheque signing power of the 3rd respondent was taken away by virtue of order dated 27.07.2011 passed by the 1st respondent herein. Another order was passed by the Assistant Director of Rural Development (Audit), on 16.09.2011, based on his report dated 18.08.2011, directing recovery of a sum of Rs. 16,27,949/- from the 3rd respondent. Both the orders were challenged before this Court in W.P. Nos. 22067 of 2011 and 18610 of 2011.

2. As far as W.P. No. 22067 of 2011 is concerned, the said writ petition was partly allowed by order dated 11.12.2015 by quashing the impugned notice in so far as it directed the 3rd respondent herein/petitioner therein to remit Rs.16,27,949/- and the 3rd respondent herein/petitioner therein was further directed to submit his objection to the impugned notice to the 3rd respondent therein (2nd respondent herein) within six weeks and on receipt of the said reply, the 2nd respondent therein was directed to submit an appropriate report to the District Collector, Coimbatore District, which was directed to be considered according to law, after complying with the principles of natural justice.

3. As far as W.P. No. 18610 of 2011, which was filed by the 3rd respondent, challenging the cancellation of cheque signing power, is concerned, the writ petition was allowed quashing the impugned proceedings, by order dated 11.12.2015, reserving the power to the 1st respondent to take fresh action according to law.

4. Eventhough the 3rd respondent filed his reply on 25.02.2016, as per the order passed by this Court in W.P. No. 22067 of 2011 dated 11.12.2015, so far, the 2nd respondent has not passed any orders and therefore, the petitioner gave a representation on 01.08.2016 seeking to complete the proceedings initiated under Section 205 of the Panchayats Act, 1994. Since no action has been taken, the petitioner has come before this Court seeking a Writ of Mandamus directing respondents 1 and 2 to consider his representation dated 01.08.2016 seeking to complete the proceedings initiated under Section 205 of the Panchayats Act, 1994 and forthwith pass orders.

5. Heard Mr.M. Doraisami, learned Senior counsel for the petitioner and Mr.T.M. Pappiah, learned Special Government Pleader for respondents 1 and 2 and Mr.P. Srinivas, learned counsel for the 3rd respondent.

6. In paragraph No. 6 of the counter affidavit filed by the 3rd respondent, he has categorically stated that as per the

order passed by this Court, he gave a detailed explanation to the 2nd respondent on 25.02.2016 and a decision, in regard thereto, is yet to be taken by the 2nd respondent.

7. Considering the fact that the 3rd respondent submitted his reply, as per the orders of this Court, the 2nd respondent is directed to consider the 3rd respondent's reply and file a report before the 1st respondent within four weeks from the date of receipt of a copy of this order. On receipt of the report of the 2nd respondent, the 1st respondent is directed to take appropriate action, as per law, complying with the principles of natural justice, within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

nv

To

1. The District Collector cum
The Inspector of Panchayats,
Coimbatore, Coimbatore District.
2. The Assistant Director of Rural
Development (Audit),
Coimbatore - 18.

+1cc to M/s.Muthumani Doraisami, Advocate, S.R.No.53591

+1cc to Mr.P.Srinivas, Advocate, S.R.No.53382

W.P. No.28153 of 2016

RP(CO)
CA(03/10/2016)

WEB COPY