

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2016

CORAM

The Honourable MR. JUSTICE N.KIRUBAKARAN

W.P.No.29405 of 2016

R. Selvi Radhakrishnan

[Petitioner]

Vs

The District Collector
(Inspector of Panchayats)
Vellore District,
Vellore.

[Respondent]

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus or any other writ or order or direction in the nature of writ directing the respondent to consider the representation dated 16.07.2016 made by the petitioner with regard to operating the Village Panchayat fund of Varakur Village Panchayat under section 204(3) of Tamil Nadu Panchayat Act 1994.

For Petitioner : Mr.V.Suthakar

For Respondents: Mr.V.Jaya Prakash Narayanan
Special Government Pleader.

ORDER

The writ petition has been filed for the issuance of a writ of mandamus directing the respondent to consider the representation of the petitioner dated 16.07.2016 with regard to operating the Village Panchayat fund of Varakur Village Panchayat under section 204(3) of Tamil Nadu Panchayats Act 1994 (hereinafter referred to as "the Act").

2. The petitioner is the President of Varakur Village Panchayat, Thimiri Panchayat Union, Vellore District. Earlier, on 20.07.2012, the respondent issued a show cause notice to the petitioner under Section 205 of the Act, since she indulged in handling the public money. Subsequently, the said proceedings

initiated under Section 205 of the Act was dropped on 14.02.2014. Again, on 04.08.2014, yet another show cause notice was issued making allegations against the petitioner under section 203 of the Act for misappropriation of the funds of the Village Panchayat. After considering the reply given by the petitioner, the Cheque signing power of the petitioner in respect of the Account of the Varakur Village Panchayat was taken away by the respondent by order dated 02.09.2014. The said order was challenged before this court in WP.No.11905 of 2015 and this Court dismissed the said writ petition on 12.08.2015.

3. In view of the fact that the petitioner has been deprived of the cheque signing power, the Panchayat works are not done by any of the persons. Though the Block Development Officer has been nominated, he could not execute any work. Therefore, the petitioner gave a representation on 16.07.2016, explaining the non execution of works of the Panchayat, because of the taking away of the cheque signing power from the petitioner and also the non-cooperation of the members in implementing the schemes and requested to review the position and sought appropriate orders from the District Collector. The said representation has not been disposed of till date, which compelled the petitioner to come before this court.

4. Heard Mr.V.Suthakar, learned Counsel for the petitioner and Mr. V.Jayaprakashnarayanan, learned Special Government Pleader, who took notice on behalf of the respondent.

5. The facts narrated above are admitted and borne out by records. As on date, the petitioner's power to sign the cheques has been taken away by an order passed by the District collector, which was also upheld by this Court on 12.08.2015 in W.P.No.11905 of 2015. However, the petitioner contends that the works are not implemented because of the non cooperation of the Ward Members and therefore, she gave a representation on 16.07.2016 to the respondent/District Collector to pass appropriate orders with regard to the works to be done in the Panchayat.

6. Taking into consideration the pendency of the representation of the petitioner and also the past history of the case, this Court directs the respondent to consider and pass orders on the representation of the petitioner dated 16.07.2016 on merits and as per law, within a period of three weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

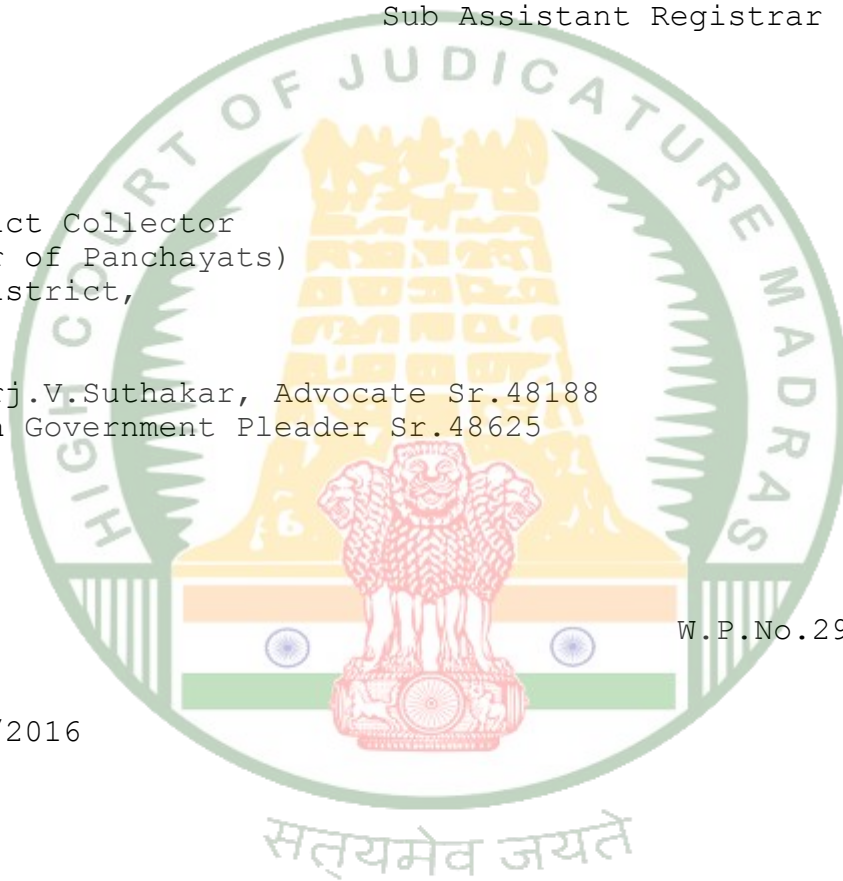
To

The District Collector
(Inspector of Panchayats)
Vellore District,
Vellore.

+1cc to Mrj.V.Suthakar, Advocate Sr.48188
+1cc to th Government Pleader Sr.48625

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srg 06/09/2016

W.P.No.29405 of 2016



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