

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2016

CORAM:

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P. NO. 3758 of 2016

A.V. Guru Vinayagam

.. Petitioner

-vs-

1. The District Collector
Kancheepuram
Kancheepuram District.
2. The Block Development Officer
Maduranthakam Taluk
Kancheepuram District.
3. The Assistant Director (Panchayat)
Maduranthakam Taluk
Kancheepuram District.

.... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the first respondent to consider the representation dated 09.01.2006 made by the petitioner with regard to removal of the panchayat president and vice president of the Arugunam Village Panchayat, Maduranthakam Taluk, Kancheepuram and pass further orders.

For petitioner: Mr. E. Sathiyaraj

For respondents: Mr. R. Rajeswaran, Spl. G.P

O R D E R

Mr. R. Rajeswaran, learned Special Government Pleader accepts notice to the respondents. With the consent of both parties, the writ petition is disposed of, at the stage of admission itself.

2. The petitioner is an elected Ward Member of Arunkunam Village Panchayat. The petitioner has come forward with this Writ Petition to direct the first respondent to consider his representation dated 09.01.2006, wherein the petitioner has sought for removal of the President and Vice

President of the Arugunam Village Panchayat, Maduranthakam Taluk, Kancheepuram.

3. Though the petitioner seeks for such a relief, he has not impleaded the President and the Vice President. Therefore, no positive direction can be granted, as sought for by the petitioner, to consider his representation in a particular manner, since the aggrieved parties are not before this Court. Learned counsel for the petitioner has pointed out that on account of the complaints received, the District Collector, the first respondent, by order dated 11.12.2015, having prima facie found that there is misappropriation of funds, has divested the cheque signing power of the President and the Vice President. Learned counsel further submits that the order dated 11.12.2015, still holds good and the Block Development Officer is the person, who is signing the cheques for the Panchayat Union. It is further submitted that the petitioner had earlier given another representation dated 25.03.2015, based on which the Block Development Officer had issued a notice and conducted a hearing on 10.06.2015. Further, it is stated that the Block Development Officer has also lodged a criminal complaint against the President and the Vice President. However, no further action has been taken by the respondents.

4. In the light of the above, without going into the merits of this petition, there will be a direction to the first respondent to consider the representation dated 09.01.2016, call for appropriate reports from the respondents 2 and 3, issue notice to the President and the Vice President of the Arugunam Village Panchayat, Maduranthakam Taluk, Kancheepuram and proceed further in accordance with law and take a reasoned decision on merits, within a period of eight weeks from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition is disposed of. No costs.
avr

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

1. The District Collector
Kancheepuram
Kancheepuram District.

2. The Block Development Officer
Maduranthakam Taluk
Kancheepuram District.
3. The Assistant Director (Panchayat)
Maduranthakam Taluk
Kancheepuram District.

+ 1 cc to Mr.E.Sathiyaraj, Advocate SR 6870

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