

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.02.2016

Coram :

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.No.9 of 2016

K.Ramamoorthy

... PETITIONER

Vs

- 1 The Election Commissioner,
Tamilnadu State Election Commission,
208/2 Jawaharlal Nehru Road, Arumbakkam,
Opp.Koyambedu Mofussial Bus Stand,
Chennai-106.
- 2 The Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai-600 009.
- 3 The Inspector of Panchayats/
District Collector,
Coimbatore District, Coimbatore-18
- 4 B.Anandakumar,
Vice President/Member Ward No.2,
Neelambur Panchayat,
Sulur Panchayat Union,
Coimbatore District 641 062.

... RESPONDENTS

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus to direct the respondents 1 to 3 herein to pass final orders on the Inspection Report of the Assistant Director (Audit), Coimbatore dated 8.12.2014 and consequent statement obtained by the 1st respondent from the petitioner on 5.5.2015 in connection with disqualification proceedings initiated against the 4th respondent.

For Petitioner : Mr.P.P.Shanmugasundaram

For Respondent : Mr.Nedunchezhiyan - R1
Standing Counsel

Mr.R.Rajeswaran - R2 & R3
Spl.Govt.Pleader

Mr.K.R.Rameshkumar - R4
Standing Counsel

O R D E R

Heard Mr.P.P.Shanmugasundaram, learned counsel for the petitioner, Mr.Nedunchezhiyan, learned Standing Counsel appearing for the first respondent, Mr.R.Rajeswaran, learned Special Government Pleader and Mr.K.R.Rameshuwar, learned Standing Counsel appearing for the fourth respondent and with their consent, the Writ Petition is taken up for final disposal.

2.The petitioner has filed this Writ Petition, for issuance of a writ of mandamus to direct the respondents 1 to 3 to pass final orders on the Inspection Report of the Assistant Director (Audit), Coimbatore dated 8.12.2014 and the consequent statement obtained by the first respondent from him on 5.5.2015.

3.The grievance of the petitioner is that the first respondent has recorded the statement of the petitioner on 05.05.2015 and till date no further proceedings have been initiated. In this regard, the learned counsel for the petitioner has drawn the attention of this Court to the reply given under the Right to Information Act by the second respondent dated 29.06.2015 and 04.08.2015.

4.In my view, no useful purpose would be served by the petitioner following up the matter with the second respondent, since already the first respondent has seized of the matter and statement has been recorded. The case of the petitioner is that the fourth respondent being a Ruling Party Member, there is 'go slow' in the entire matter and necessary action has not been initiated. If this is the complaint, then the first respondent being the State Election Commission has to take a serious note of the same. It is rather surprising that the said Election Commission has not proceeded further in the matter though statement has been recorded from the petitioner on 05.05.2015.

5. Accordingly, there will be a direction to the first respondent/ State Election Commission to take further proceedings pursuant to the recording of the statement done from the petitioner on 05.05.2015 and keep the petitioner informed of the action taken, within a period of three months from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1 The Election Commissioner,
Tamilnadu State Election Commission,
208/2 Jawaharlal Nehru Road, Arumbakkam,
Opp.Koyambedu Mofussial Bust Stand,
Chennai-106.
- 2 The Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai-600 009.
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- 4 B.Anandakumar,
Vice President/Member Ward No.2,
Neelambur Panchayat,
Sulur Panchayt Union,
Coimbatore District 641 062.

+1cc to Mr.K.R.Ramesh kumar, Advocate, S.R.No.10644
+1cc to Mr.P.P.Shanmugasundaram, Advocate, S.R.No.10558
+1cc to the Government Pleader, S.R.No.10596

W.P.No.9 of 2016

skv(CO)
srg(01/03/2016)