

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.03.2016

Coram

The Hon'ble Mr. Justice T.S.SIVAGNANAM

Writ Petition No.9844 of 2016

V.Selvaraj

...Petitioner

Vs.

- 1 State of Tamil Nadu
Rep. by its Secretary to Government Rural
Development Department Fort St. George
Chennai-600 009
- 2 The Director
Rural Development Department Saidapet
Panagal Maligai Chennai-600 015
- 3 The District Collector
Tiruvannamalai District Tiruvannamalai
- 4 The District Executive
Engineer National Highways Department
Office Tiruvannamalai
- 5 The Deputy Director
Rural Development Agency
Tiruvannamalai District
- 6 The Project Director
Rural Development Agency
Tiruvannamalai District
- 7 The Commissioner
Rural Wing Kalasapakkam Union
Tiruvannamalai
- 8 Mrs. Alamelu ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the 3rd respondent to initiate appropriate proceedings against the respondents R-4 to R-8 on the basis of the petitioner complaints to the 3rd respondent receipts bearing No. KK/15/031659 KK/15/031714 and KK/15/031719 dated 29.06.2015 within a time frame fixed by this court.

For Petitioner :Mr.S.Sathia Chandran
For Respondents :Mr.R.Rajeswaran, Spl.G.P for R1 to 7

O R D E R

Petitioner has filed this writ petition praying for a direction to the 3rd respondent to take action against the respondents 4 to 8. Respondents 4 to 7 are Government Officials and the 8th respondent is a Village Panchayat President.

2. The grievance made in the writ petition as well as in the representations given by the petitioner and other villagers dated 29.06.2015, 14.07.2015 and 07.09.2015 is directed against the 8th respondent. The reason for seeking a direction against the respondents 4 to 7 is by alleging that the 8th respondent is actively assisted by respondents 4 to 7.

3. Since this writ petition is disposed of at the admission stage without notice to the 8th respondent and in the absence of the officials who are holding the post of respondents 4 to 7 have not been impleaded in the personal capacity, the allegation made by the petitioner are not gone into. However, it is pointed out that based on the complaint given by one other person of the same village by name S.Govindasamy by complaint dated 27.07.2015, the Assistant Director of Panchayat had issued a memo dated 31.07.2015 calling upon the 8th respondent to produce the Panchayat accounts before him on 21.08.2015 at 3.00 p.m. However, the petitioner would state that no report was submitted by Assistant Director to the District Collector and the matter has been put in cold storage.

4. From the copies of representations filed in the typed set of papers, it is seen that there are several signatories to the representation including the petitioner and it is focused as if the representations are the voice of the public of the village. In such circumstances, the 3rd respondent has to examine as to whether there is any merit in the representation. In fact there appears to be certain steps taken in the said direction since the Assistant Director has called for Panchayat accounts. It appears that further proceedings were not initiated as neither the petitioner nor the other complainant Govindaswamy has been intimated about the steps taken thereafter.

5. In such circumstances, this Court is of the view that the 3rd respondent should look into the matter especially when the representations have been submitted during the grievance meeting.

6. In the light of the above, without going into the merits of allegations of the petitioner, there shall be a direction to the 3rd respondent to look into the grievance of the petitioner

made vide several representations which has been referred supra, call for necessary report from subordinate officers and proceed in accordance with law after notice to the petitioner and 8th respondent and all others who are concerned in the matter. The above direction be complied with within a period of three months from the date of receipt of a copy of this order.

7. Accordingly, the writ petition is disposed of. No costs.

s/d-
Assistant Registrar(AS)

True Copy

Sub-Assistant Registrar

To

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+ 1 cc to Mr.S.Sathia Chandran, Advocate SR 16747

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