



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P. [MD].No.20159 of 2015

B.Radhakrishnan .. Petitioner

Vs.

1.The District Collector,
Collectorate, Ramanathapuram.

2.The Block Development Officer,
Ramanathapuram Panchayat Union,
Ramnad District.

3.V.C.K.Pugazhenthhi .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to recover the Government Fund of Rs.2,00,000/- (Rupees two lakhs only), that was misused by the third respondent for laying roads in R.S.No.204/3 & 205/2A and to initiate criminal proceedings against the 3rd respondent within a time frame.

For Petitioner : Mr.N.Murugesan

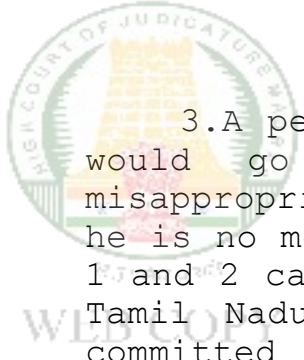
For respondents 1 & 2 : Mr.Aayiram K.Selvakumar,
Government Advocate

O R D E R

[Order of the Court was made by **S.NAGAMUTHU, J.**]

The petitioner has come up with this Writ Petition seeking a direction to the respondents 1 and 2 to recover the Government Fund of Rs.2,00,000/- (Rupees two lakhs only), that was misused by the third respondent for laying roads in R.S.No.204/3 & 205/2A and to initiate criminal proceedings against the 3rd respondent.

2.We have heard the learned counsel for the petitioner and the learned Government Advocate appearing for the official respondents. In view of the order to be passed in this petition, we have not issued notice to the third respondent.



3.A perusal of the affidavit filed in support of the petition would go to show that the allegation pertains to the misappropriation of fund by the Councilor of the local body. Now, he is no more the local body member and therefore, the respondents 1 and 2 cannot take action against the third respondent under the Tamil Nadu Panchayat Act. If really the third respondent had committed any crime like misappropriation of public fund, it is for the petitioner to work out his remedy before the competent Court. Therefore, we are unable to grant the relief sought for by the petitioner. This Writ Petition is, therefore, dismissed. No costs.

Sd/-
Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To
The District Collector, Collectorate, Ramanathapuram.

+1 CC to Mr.N.MURUGESAN, Advocate, SR No. 65587

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.66041

Order made in
W.P.[MD].No.20159 of 2015
03.11.2016

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SH/SKS-RR:17.11.2016:2P/4C