



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.17190 of 2016

Loganathan

...Petitioner

-vs-

The District Collector cum
Inspector of Panchayat,
Virudhunagar District,
Virudhunagar.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondent to initiate appropriate proceeding by invoking Section 205 of Tamil Nadu Panchayat Act, 1994 against the President of Vatchakarapatty Village Panchayat, Virudhunagar District based on the Petitioner's representations dated 31.10.2015 and 29.02.2016.

For Petitioner	: Mr.P.Athimoolapandian
For Respondent	: Mr.S.Kumar
	Additional Government Pleader

O R D E R

This writ petition has been filed for the issuance of a writ of mandamus, directing the respondent to initiate appropriate proceedings by invoking Section 205 of the Tamil Nadu Panchayat Act, 1994 against the President of Vatchakarapatty Village Panchayat, Virudhunagar District, based on the Petitioner's representations dated 31.10.2015 and 29.02.2016.

2.Heard Mr.P.Athimoolapandian, learned counsel appearing for the petitioner and Mr.S.Kumar, learned Additional Government Pleader, who takes notice for the respondent. By consent the writ petition itself is taken up for final disposal at the admission stage.

3.It is the case of the petitioner that a case has been registered against the President of Vatchakarapatty Village Panchayat in Crime No.5 of 2015 by the Deputy Superintendent of Police, Vigilance & Anti Corruption on 11.09.2015 and therefore, it is the case where the Inspector of Panchayats ought to have initiated action under Section 205 of the Tamil Nadu Panchayats Act, 1994.

4.The respondent has sent a communication dated 13.10.2015 stating that as the Vigilance and Anti Corruption Department has taken cognizance of the matter, the order passed in WP(MD)No.13556 of 2015 can be implemented only after knowing the result of criminal proceedings.



5. It is the contention of the petitioner that pendency of criminal case has nothing to do with the proceedings to be initiated under Section 205 of the Tamil Nadu Panchayats Act, 1994 and therefore, the representation of the petitioner dated 31.10.2015 should be considered in an appropriate manner.

6. Under such circumstances, the respondent is directed to consider the representation of the petitioner based on the materials to be collected or to be inspected by the respondent and if *prima facie* case is made out, to initiate action under Section 205 of the Tamil Nadu Panchayats Act, 1994. As the tenure of the President is coming to an end by 24.10.2016, the respondent shall pass orders on the representation on or before 20.10.2016.

7. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS)

To
The District Collector cum
Inspector of Panchayat
Virudhunagar District,
Virudhunagar.

+1cc to the Special Government Pleader, in SR.56646
+1cc to M/s.P.Athimoolapandian, Advocate in SR.56362

W.P (MD) No.17190 of 2016
27.09.2016

mj

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