



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

and

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P (MD) No.17752 of 2016

P.Rajamani

.. Petitioner

Vs.

1.State of Tamil Nadu,

Rep. by its Principal Secretary

Department of Rural Development and Panchayat Raj

Fort St. George, Chennai.

2.The Director of Rural development and Panchayat Raj

O/o. The Director of Rural development and Panchayat Raj

Panagal Building, Saidapet, Chennai.

3.The District Collector/Inspector of Panchayat

O/o the District Collector

Kanyakumari District

4.The Assistant Director of Panchayats,

O/o. The Assistant Director of Panchayats,

Nagercoil,

Kanyakumari District

5.The Block Development Officer,

O/o the Block Development Officer,

Kurunthancode Panchayat Union

Kanyakumari District

6.Sarojini

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondent No.3 to conduct enquiry against the misappropriation of panchayat funds to the tune of Rs.3,02,842/- (Three lakh two thousand and forty two) and other illegalities committed by the respondent No.6 and to recover the loss occurred to the Kattimancode Village Panchayat from the respondent NO.6 within the time period stipulated by this Court.

For Petitioner

: Mr.T.Lajapathi Roy

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondents

: Mr.Aayiram K.Selvakumar

Government Advocate for R1 to R5

**ORDER**

(Order of the Court was made by S.NAGAMUTHU, J.)

WEB COPY The petitioner is the resident of Kattimancode Village Panchayat in Kanyakumari District. The 6th respondent is the President of the said Panchayat. According to the petitioner, the 6th respondent has embezzled the funds of the Panchayat. In this regard, he made complaints to the respondents 1 to 5. His grievance is that there was no action against the same.

2. This writ petition has come up today for admission. We cautioned the learned counsel that in the absence of any *prima facie* materials to make out a case of embezzlement by the 6th respondent, it would not be possible for this Court to entertain this writ petition, that too, as a Public Interest Litigation.

3. We also told him that this Court shall not be abused by anyone as a platform to settle their personal score in respect of the fast approaching local body elections. Having heard the same, the learned counsel submitted that it is not a case, which has been filed for any publicity so as the same could be used in the ensuing panchayat elections and that there are records to show that the 6th respondent has caused loss to the Panchayat. The learned counsel submitted that the petitioner would be satisfied, if a direction is issued to the official respondents to consider the representation of the petitioner and to take necessary steps in this regard.

4. The learned Government Advocate appearing for the respondents 1 to 5 submitted that on these allegations, an enquiry was held by the Zonal Officer and a report has been submitted to the District Collector and the same is under consideration before the District Collector. He would further submit that the same would be duly considered by the District Collector and appropriate further orders would be passed. The said undertaking given by the learned Government Advocate is recorded.

5. In view of the said submission made by the learned Government Advocate, in our considered view, no further direction is required except making an observation that the District Collector shall expeditiously consider the enquiry of the zonal Officer and dispose of the matter within a period of three months from the date of receipt of a copy of this order. Since we are not issuing any positive direction and since we do not give any adjudication in respect of the allegations made by the petitioner, we do not order notice to the 6th respondent.



6. The writ petition is dismissed with the above observations. No costs.

Sd/-
Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

- 1.The Principal Secretary
Department of Rural Development and Panchayat Raj
Fort St. George, Chennai.
 - 2.The Director of Rural development and Panchayat Raj
O/o. The Director of Rural development and Panchayat Raj
Panagal Building, Saidapet, Chennai.
 - 3.The District Collector/Inspector of Panchayat
O/o the District Collector, Kanyakumari District
 - 4.The Assistant Director of Panchayats,
O/o. The Assistant Director of Panchayats,
Nagercoil, Kanyakumari District
 - 5.The Block Development Officer,
O/o the Block Development Officer,
Kurunthancode Panchayat Union, Kanyakumari District
- +1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.53982

ORDER MADE IN
W.P(MD)No.17728 of 2016
19.09.2016

RR
SH/SKS-RR:27.09.2016:3P/7C