



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.18642 of 2016

and

W.M.P (MD) No.13485 of 2016

S.Raja

...Petitioner

vs.

1)The District Collector/
Inspector of Panchayat,
Madurai District,
Madurai.

2)The Branch Manager,
Bank of India,
Thirunagar,
Madurai-625 006.

3)The Village President,
Thanakkankulam Village
Panchayat,
Madurai District.

...Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 17.09.2016 having been submitted in person in their office on 19.09.2016 for initiation of legal and criminal proceedings as against the 3rd respondent for the encashment of cash from the Panchayat Account being maintained in the 2nd respondent's Bank by means of forgery, fabricating false document and using false document as if genuine and dispose of the same within a time frame as specified by this Hon'ble Court.

For Petitioner: Mr.S.Palanivelayutham

For R1 : Mr.T.S.Mohammed Mohideen

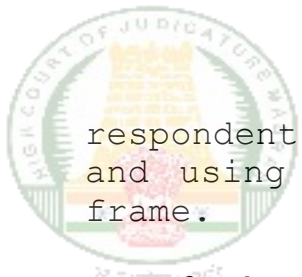
For R2 : No appearance

For R3 : Mr.Sathees Kumar,

Additional Government Pleader

ORDER

This Writ of Mandamus has been filed to direct the 1st respondent to consider the petitioner's representation dated 17.09.2016 which was submitted in person on 19.09.2016, for initiation of legal and criminal proceedings as against the 3rd respondent with regard to allegation pertaining to the encashment of cash from the Panchayat Account being maintained in the 2nd



respondent's Bank by means of forgery, fabricating false document and using false document and dispose of the same within a time frame.

2.The petitioner is the Vice President and the 3rd respondent is the President of Thanakkankulam Village Panchayat. According to the petitioner, the usual procedure adopted for cheque signing is, the President of the said Panchayat would sign the cheque and thereafter, the Vice President would counter-sign it.

3.The 2nd respondent/Bank of India are the Bankers of the Panchayat. A sum of Rs.1.70 Lakhs was withdrawn by fabricating the signature of the Vice President namely, the petitioner and thereby, the 3rd respondent is stated to have committed fraud upon the 3rd respondent Panchayat and therefore, seeking action against the 3rd respondent, representation dated 29.08.2016 was given by the petitioner.

4.According to the learned counsel for the petitioner, suspecting some malpractices, when the petitioner has already informed the Bankers, by the communication dated 19.08.2016 that he has not counter-signed any Cheque, it is not proper on the part of the Bank to honour the Cheque and only as a protective measure, the petitioner is asking for the respondent to consider his representation, in order to avoid further malpractices.

5.The learned Additional Government Pleader appearing for the 1st respondent would submit that in view of the Local-body Election having been announced, there is no possibility of any more cheque being issued either by the President or by the Vice President of Thanakkankulam Village Panchayat, however, the complaint in respect of the act that has already been committed, which has been detailed in the representation of the petitioner dated 29.08.2016 would be considered and appropriate orders would be passed by the 1st respondent.

6.Recording the above submission, this Writ Petition is disposed of directing the 1st respondent to consider the representation of the petitioner dated 29.08.2016 and to pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, W.M.P(MD)No.13485 of 2016 is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS)

Madurai Bench of Madras High Court,
Madurai-23.



To
The District Collector/
Inspector of Panchayat,
Madurai District,
Madurai.

+1cc to M/s.S.Palani Velayutham, Advocate in SR.57360
+1cc to the Special Government Pleader, in SR.57475

W.P (MD) No.18642 of 2016
29.09.2016

nbi
PBK/GSV-PM 20/10/2016 ::3P-4C: