



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.20472 of 2016

M.Pitchammal

: Petitioner

Vs.

1.The District Collector cum
The Inspector of Panchayats,
Tirunelveli District, Tirunelveli.

2.S.Paramasivan,
Panchayat Secretary,
Pottalouthur Panchayat,
Pottalouthur P.O.,
Ambasamuthiram Taluk,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first Respondent to initiate a Thorough Enquiry into all the allegations against the second respondent raised by the petitioner in her representation dated 08.09.2016, sent by Registered Post to the first Respondent and initiate proper and suitable Departmental and Criminal Action, apart from taking suitable Recovery Proceedings.

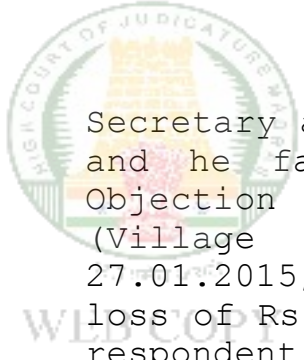
For Petitioner : Mr.S.Ramesh Alias Ramiah
For Respondent No.1 : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to initiate a thorough enquiry into all the allegations against the second respondent, raised by the petitioner in her representation, dated 08.09.2016, sent by Registered Post to the first respondent and initiate proper and suitable departmental and criminal action, apart from taking suitable Recovery Proceedings.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who took notice for the respondent No.1. Having regard to the limited prayer asked for in this writ petition, notice to the second respondent is dispensed with. By consent, the writ petition itself is taken up for final disposal.

3.The case of the petitioner is that the petitioner is the President of Second Grade Panchayat at Thirunalaiyappapuram, Pottalputhur(P.O.), Ambasamuthiram Taluk, Tirunelveli District. The second respondent is the Panchayat



Secretary and he was not carrying on his duties from the beginning and he failed to entrust the records. Based on the Audit Objection for 2012-13 and 2013-14, The Block Development Officer (Village Panchayats), Kadayam, vide his proceedings dated 27.01.2015, issued a notice to the second respondent, indicating a loss of Rs.49,185/- and after enquiry, it is found that the second respondent committed misappropriation and defalcation of the Panchayat fund to the tune of Rs.50,223/-. The second respondent has also committed other large scale misappropriation and defalcation and caused huge financial loss. Therefore, the petitioner submitted a representation to the first respondent praying to initiate action against the second respondent. As the same was not considered by the first respondent, this writ petition has been filed.

4.The second respondent is stated to have committed large scale violations in financial transactions to the extent of committing misappropriation and defalcation and these allegations are sought to be enquired into.

5.The learned Additional Government Pleader for the first respondent would submit that it is agreeable for the first respondent to consider the representation of the petitioner and to take appropriate action within a period of eight weeks.

6.Recording the submission made by the learned Additional Government Pleader for the first respondent, the first respondent is directed to consider the representation of the petitioner dated 08.09.2016 and to take appropriate action, within a period of eight weeks, from the date of receipt of a copy of this order. The first respondent shall provide, opportunity of hearing to the second respondent, if deemed appropriate and felt needed.

7.With the above direction, this writ petition is disposed of. No costs.

Sd/
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar.

To
The District Collector cum The Inspector of Panchayats,
Tirunelveli District, Tirunelveli.
+1CC to M/S. S.Ramesh @ Ramiah, Advocate, SR.No. 63338
+1CC to the Special Government Pleader, SR.No. 64239

ORDER MADE IN
W.P (MD) No.20472 of 2016
25.10.2016