



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2016

CORAM:

**THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE C.T.SELVAM**

W.P.(MD)No.6070 of 2016

B.Ramesh

.. Petitioner

Vs.

1. The District Collector/
Inspector of Panchayats,
Dindigul District, Dindigul.

2. The Assistant Director (Panchayats)
Dindigul District, Dindigul.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to act upon the petitioner's representation dated 02.11.2015 in accordance with law.

For Petitioner : Mr.R.Venkateswaran

For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader

O R D E R

(The order of the Court was made by S.MANIKUMAR, J.)

One of the residents of Andipatti Village Panchayat, and claiming himself to be a *pro bono* litigant, has sought for a writ of Mandamus directing the respondents, to act on his representation, dated 02.11.2015, in accordance with law. Supporting the prayer sought for, in the representation, dated 02.11.2015, the petitioner has alleged that in Andipatti Village Panchayat, there were several financial irregularities. Action under Section 206(1)(a) of the Tamil Nadu Panchayats Act, 1994, has been taken only against the President of the said Panchayat. ~~Further, considering that taking advantage of the ignorance of the~~ Panchayat President, by contravening the laws and regulations,



Vice President of the Panchayat has misappropriated Panchayat funds, representation, dated 02.11.2015 has been made by the petitioner to the District Collector/Inspector of Panchayats, Dindigul.

2. Material on record discloses that on the basis of an audit of the Assistant Director (Audit), dated 07.02.2014 and after considering the documents relating to the income and expenditure of Andipatti Panchayat and registers, the District Collector/Inspector of Panchayats, Dindigul District, has issued orders in Na.Ka.No.687/2014/A4, dated 02.06.2014 under Section 205 (1) (a) of the Tamil Nadu Panchayats Act, 1994, calling upon the President to submit his explanation on the alleged financial irregularities.

3. After nearly one year and 11 months, the petitioner claiming himself to be a public spirited person and espousing the cause and interest of the villagers of Andipatti Village Panchayat, has sent a representation, dated 02.11.2015 on the presumption that the President of Andipatti Panchayat was ignorant and thus was influenced.

4. Proceedings, dated 02.06.2014, has been issued under Section 205 (1) (a) of the Tamil Nadu Panchayats Act, 1994, by the District Collector/Inspector of Panchayats, Dindigul District, after considering the audit report and other relevant documents. It is for the authorities to arrive at a proper conclusion, as to whether Vice President of Andipatti Village Panchayat was also involved in the abovesaid financial irregularities. The District Collector/Inspector of Panchayats, Dindigul District, after going through the material on record has not chosen to initiate any action against the Vice President. After 1 ½ years, the petitioner has represented that the respondents are bound to initiate action against the Vice President also.

5. After going through the entire materials, the Competent authority has arrived at the conclusion as to whom action has to be taken. In such circumstances, this Court is of the view that mere presumption of the petitioner that due to ignorance of the President, the Vice President of the Panchayat has executed influence on her, cannot be accepted. Allegations cannot be made against the Vice President, are not substantiated. If such a course is permitted, then everybody would make representation to the authorities concerned, to implicate 'X' and 'Y', which cannot be permitted.

6. In the light of the above discussion, we are not inclined to issue any Mandamus directing the respondents to consider the



representation of the petitioner, dated 02.11.2015. Accordingly, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar

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/True Copy/

Sub Assistant Registrar

To

1. The District Collector/
Inspector of Panchayats,
Dindigul District, Dindigul.
2. The Assistant Director (Panchayats)
Dindigul District, Dindigul.

+1cc to Mr.R. Venkateswaran, Advocate, Sr.No.17338

+1cc to Special Government Pleader, Sr.No.17613

rj2

JM/SKS-RR/07.04.2016/3P-5C

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