

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No. 7423 of 2017

J.Krishnakumar

... Petitioner

Vs.

- 1.The Director of Panchayat,
Kuralagam,
Chennai -108.
- 2.The Assistant Director of Panchayat,
Collectorate,
Coimbatore.
- 3.The Executive Officer,
Anaimalai Selection Grade Town Panchayat,
Anaimalai Pollachi Taluk,
Coimbatore District.
- 4.A.P.Vigneshkumar,
Contractor,
Arulmigu Masaniamman Temple,
Anaimalai Pollachi Taluk,
Coimbatore District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, to direct the respondents 1 and 2 to consider and pass orders on merits by disposing the written representation made by the petitioner on 07.02.2017 within a stipulated time as this Court fixes and pass such further or other orders.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr. S. Diwakar,
Special Government Pleader for RR1&2

Mr.A.Kumar for R3

ORDER

With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal.

2. Heard Mr.C.Prakasam, learned counsel for the petitioner, Mr.S.Diwakar, learned Special Government Pleader for the first and second respondents and Mr.A.Kumar, learned counsel for the third respondent.

3. The petitioner earlier made a complaint inter alia alleging that contrary to the resolution passed by the third respondent, the fourth respondent is collecting higher amount unauthorizedly. Since the representation has not been looked into, the present Writ Petition has been filed.

4. In the counter affidavit filed by the third respondent, it has been stated that pursuant to the complaint of the petitioner, penalty was imposed on the fourth respondent for a sum of Rs.1,000/-, apart from a direction to pay the excess amount of Rs.30/- received from him.

5. The learned counsel for the petitioner would submit that the complaint is against the large scale malpractice, but it has been dealt with in a casual manner by the third respondent.

6. This Court finds substance in the submissions made by the learned counsel for the petitioner. The allegations are very serious in nature. Even before this Court, the petitioner produced volume of receipts to show that the illegality still continues under the nose of the third respondent. It is unfortunate that the third respondent has taken an easy route with the sole objective of closing the complaint made against the fourth respondent. Accordingly, a direction is issued to the District Collector, Coimbatore, to conduct an enquiry after issuing notice to the petitioner, the third respondent and fourth respondent and take appropriate action within a period of eight weeks from the date of receipt of a copy of this order. It is needless to state that if the District Collector finds any irregularity or illegality, he should take appropriate steps to see to it that permission granted is cancelled. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

pbn/ms

To

1.The Director of Panchayat,
Kuralagam,
Chennai -108.

2.The Assistant Director of Panchayat,
Collectorate,
Coimbatore.

3.The Executive Officer,
Anaimalai Selection Grade Town Panchayat,
Anaimalai Pollachi Taluk,
Coimbatore District.

4.The District Collector,
Collectorate,
Coimbatore.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.40775

+1cc to the Government Pleader, S.R.No.40751

W.P.No. 7423 of 2017

RSQ (CO)
RS (12/06/2017)



WEB COPY