



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.10565 of 2016

and

W.M.P (MD) Nos.8219 and 8220 of 2016

P.Bose,
President of Kakkoor Village Panchayat,
Muthukulathur Panchayat Union,
Ramanathapuram District. .. Petitioner

Vs.

- 1.The State of Tamil Nadu rep. by its
Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai - 9.
- 2.The District Collector,
Collectorate, Ramanathapuram District.
- 3.The Block Development Officer (Village Panchayat),
Panchayat Union Office, Muthukulathur,
Ramanathapuram District.
- 4.The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Ramanathapuram, Ramanathapuram District. .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records relating to the impugned order passed by the fourth respondent in PE47/2016/RDP/HQ dated 24.03.2016 and quash the same.

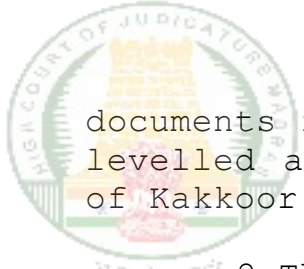
For Petitioner : Mr.M.Saravanakumar

For Respondents 1, 2 & 4 : Mr.S.Kumar,
Additional Government Pleader.

For Respondent No.3 : Mr.Aayiram K.Selvakumar

ORDER

<https://hcservices.ecourts.gov.in/hcservices/> This petition has been filed seeking a Writ of Certiorari to quash the impugned order passed by the fourth respondent in PE47/2016/RDP/HQ dated 24.03.2016, seeking certain



documents from the third respondent, with regard to the allegation levelled against the petitioner, when he was acting as President of Kakkoor Village Panchayat.

2.The case of the petitioner is that the fourth respondent issued the impugned notice to the third respondent, asking him to submit the entire village panchayat records, for conducting preliminary enquiry, on the allegation of creating false records and misappropriation of funds in Kakkoor Village Panchayat for the period from 2011 to till the date of notice. According to the petitioner, the respondents 2 and 3 conducted a detailed enquiry in respect of the same allegation and submitted a report to the first respondent and on the basis of the report, the charges were dropped, vide G.O.(D)No.49, Rural Development and Panchayat Raj (PR4) Department, dated 27.01.2015. Therefore, the petitioner is before this Court.

3.The learned counsel appearing for the petitioner would submit that the same set of allegations had already been levelled against the petitioner and the same were enquired into by the present fourth respondent, who issued the impugned order and pursuant to the enquiry conducted, the Government also passed G.O. (D)No.49, Rural Development and Panchayat Raj (PR4) Department, dated 27.01.2015, thereby dropping all further proceedings against the petitioner.

4.The learned Additional Government Pleader appearing for the respondents 1, 2 and 4 would submit that the impugned notice is only a communication sent to the fourth respondent, asking some documents of the panchayat and therefore the same requires no interference.

5.It is an admitted fact that the charges levelled against the petitioner were dropped vide G.O.(D)No.49, dated 27.01.2015. In this writ petition, challenge is made to quash the notice sent by the fourth respondent to the third respondent, which is an inter-departmental communication, requiring some documents, so as to conclude the preliminary enquiry one way or the other, with regard to the allegation levelled against the petitioner. Under such circumstances, the impugned order passed by the fourth respondent dated 24.03.2016 need not be quashed. On the other hand, the third respondent is directed to submit all the required particulars to the fourth respondent, who shall consider the same and pass appropriate orders on merits and in accordance with law, after giving due notice to the petitioner as well as any of the interested parties. While passing orders, the fourth respondent shall look into G.O.(D)No.49, dated 27.01.2015.



6.The writ petition is disposed of as above. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-III)

WEB COPY

/True Copy/

Sub Assistant Registrar.

To

- 1.The Secretary to Government,
Rural Development and Panchayat Raj Department,
Government of Tamil Nadu,
Secretariat, Chennai - 9.
 - 2.The District Collector,
Collectorate, Ramanathapuram District.
 - 3.The Block Development Officer (Village Panchayat),
Panchayat Union Office, Muthukulathur,
Ramanathapuram District.
 - 4.The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Ramanathapuram, Ramanathapuram District.
- +1CC to Mr.M.Saravanakumar, Advocate, SR.No. 67768
+1CC to the Special Government Pleader SR.No.68662

ORDER MADE IN
W.P (MD) No.10565 of 2016
and

W.M.P (MD) Nos.8219 and 8220 of 2016

smn

AM/MR KKR/SAR 1/08.08.2017/3P/7C