



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 04.01.2017
CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P (MD) No.51 of 2017

G.Palani

.. Petitioner

Vs.

1.The State of Tamil Nadu rep. by its
Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Secretariat,
Chennai - 600 009.

2.The State Chief Election Commissioner,
Fort St. George, Secretariat,
Chennai - 600 009.

3.The Commissioner,
Directorate of Town Panchayats,
Kuralagam, Chennai - 600 108.

4.The District Collector,
Thanjavur District, Thanjavur.

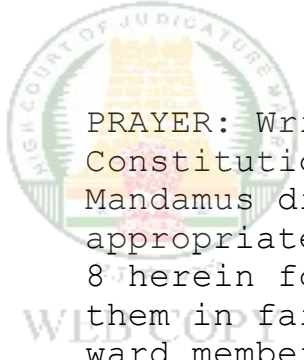
5.The Assistant Director of Town Panchayats,
Thanjavur Region, Panagal Building,
Collectorate Campus, Thanjavur,
Thanjavur District.

6.Thiru.Siva Subramanian,
Executive Officer,
1st Grade Town Panchayat,
Thiruvudaimarudur,
Thanjavur District.

7.Mr.M.L.Iyyansamy,
Ex-President,
Thirubhuvanam 1st Grade Town Panchayat,
Thirubhuvanam, Thiruvudaimarudur Taluk,
Thanjavur District.

8.The Executive Officer,
Thirubhuvanam 1st Grade Town Panchayat,
Thirubhuvanam, Thiruvudaimarudur Taluk,
Thanjavur District.

.. Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 4 herein to take appropriate disciplinary proceedings against the respondents 6 to 8 herein for their willful neglect of their public duty cast upon them in failure to take action for disqualification of the 11th ward member of Thirubhuvanam Town Panchayat, Thiruvidaimarudur Taluk, Thanjavur District namely Tmt.M.R.Jegadeeswari and failed to intimate the same to the respondents 3 to 5 herein for taking further action to fill up the said vacancy till today by considering the final and last representation dated 14.09.2016.

For Petitioner	: Mr.A.Saravanan
For Respondents 1, 3, 4 and 5	: Mr.R.Velmurugan, Government Advocate.
For Respondent No.2	: Mr.R.Karthikeyan, Additional Government Pleader.

ORDER

[Order of the Court was made by A.SELVAM, J.]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 to 4 to take appropriate disciplinary action against the respondents 6 to 8 in respect of their alleged willful neglect of public duty by way of issuing a writ of mandamus.

2.It is averred in the petition that the petitioner is a resident of Thirubhuvanam, Thiruvidaimarudur Taluk, Thanjavur District. The sixth respondent is an Executive Officer of Thiruvidaimarudur First Grade Town Panchayat. The respondents 7 and 8 are nothing, but Ex-President and also present Executive Officer. Further it is averred in the petition that the respondents 6 to 8 have done so many willful negligence in attending public duty. Under the said circumstances, various representations have been given and finally a representation dated 14.09.2016 has been given to the respondents 1 to 5. But no action has been taken and therefore the present writ petition has been filed for getting the relief sought therein.

3.Mr.R.Velmurugan, learned Government Advocate, has taken notice for the respondents 1, 3, 4 and 5 and Mr.R.Karthikeyan, learned Additional Government Pleader, has taken notice for the second respondent. Considering the nature of the relief sought in the writ petition, notice need not be sent to the respondents 6 to 8.

4.The learned counsel appearing for the petitioner has advanced his argument on the basis of averments made in the writ petition.

5.The learned counsel appearing for the respondents in gravamen expressed on the side of the petitioner is that the respondents 6 to 8 have done willful negligence in attending public duty. Further it is seen from the records that a

final representation has been given on 14.09.2016.

6. Considering the fact that a final representation has been given on 14.09.2016, this Court is of the view to direct the fifth respondent to look into the representation dated 14.09.2016 and to that extent the present writ petition is liable to be allowed in part.

7. In fine, this writ petition is allowed in part without costs and the fifth respondent viz., Assistant Director of Town Panchayats, Thanjavur Region is directed to look into the representation dated 14.09.2016 alleged to have been given by the petitioner and pass appropriate order within a period of two months.

Sd/-

Assistant Registrar(writs)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Municipal Administration and Water Supply Department,
Government of Tamil Nadu,
Fort St. George, Secretariat,
Chennai - 600 009.

2. The State Chief Election Commissioner,
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Chennai - 600 009.

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5. The Assistant Director of Town Panchayats,
Thanjavur Region, panagal Building,
Collectorate Campus, Thanjavur,
Thanjavur District.

+1cc to Mr.A.Saravanan, Advocate Sr.No.438

+2cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.Nos.491 & 850

+1cc to M/s.Veera Associates, Sr.No.1081

ORDER MADE IN
W.P (MD) No.51 of 2017
04.01.2017