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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2017

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Writ Petition (MD) No.3606 of 2013

and

M.P. (MD) .No.1 of 2013

C.Mohandoss

... Petitioner

Vs.

1.The State represented by its

Secretary to Government,

Rural Development and Panchayat Raj Department,

Fort St., George,

Chennai 600 009.

2.The State Election Commissioner,

Tamil Nadu State Election Commission,

Vadapalani, Chennai 600 026.

3.The District Collector/

Inspector of Panchayat,

Madurai District, Madurai.

4.The Block Development Officer (Block Panchayats),

Usilampatti Panchayat Union,

Panchayat Union Office,

Usilampatti, Madurai District.

5.P.Balakaruppu,

10th Ward Councillor,

Usilampatti Panchayat Union,

Usilampatti,

Madurai District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 3rd Respondent to forward the Petitioner application dated 12.12.2012 to the Respondents 1 and 2 under section 41 of the Tamil Nadu Panchayat Act 1994 and consequently direct the respondents 1 and 2 to pass appropriate orders within a stipulated time may be fixed by this Court.

For Petitioner

: Mr.M.Saravanakumar

For 2nd Respondent

: Mr.Aayiram K.Selvakumar

Government Advocate

For Respondents 1&3

: Mr.M.Alagadevan,

Special Government Pleader.

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondents 4&5

: No appearance



ORDER

The petitioner had made an application on 12.12.2012 to the third respondent complaining that the fifth respondent who held a subsisting contract with Usilampatti Panchayat Union is incompetent to hold the post of ward councillor under Section 38 (3)(c) of the Tamil Nadu Village Panchayats (Removal of Disqualification of Members and President of Village Panchayat having certain subsisting contracts) Rules 1999. The first respondent had also forwarded the petitioner's application to the Government wherein the same is said to be pending.

2. In view of the same, there shall be a direction to the first respondent to consider the petitioner's representation dated 12.12.2012 on its own merits and pass orders in accordance with law, after affording due opportunity to the fifth respondent. Such an exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

3. With the above observation, the writ petition stands disposed of. No costs. Consequently, M.P(MD)No.1 of 2013 is closed.

sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St., George,
Chennai 600 009.

2. The State Election Commissioner,
Tamil Nadu State Election Commission,
Vadapalani, Chennai 600 026.

3. The District Collector/
Inspector of Panchayat,
Madurai District, Madurai.

+1 CC TO MR. M.SARAVANA KUMAR, ADVOCATE, SR NO.9635
+1 CC TO SPECIAL GOVERNMENT PLEADER SR.NO10070

sms

MAS/MR:13.03.2017:2P-6C

Writ Petition (MD) No.3606 of 2013
and

M.P. (MD) .No.1 of 2013
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