

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2018

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P. 9566 of 2014
and
M.P. 1 of 2014

Syed Gouse

... Petitioner

Versus

1.The District Collector,
Tiruvannamalai,
Tiruvannamalai.

2. The Assistant Director of Panchayat,
Collectorate,
Tiruvannamalai,
Tiruvannamalai Dt.

3. Parthimal,
Block Development Officer,
Panchayat Union Office,
Thandarampet Panchayat Union,
Thandarampet,
Tiruvannamalai District.

4. Venkatesan,
Union Engineer,
Pudupalayam Panchayat Union,
Pudupalayam,
Tiruvannamalai Dt.

5. Inayadullah,
President,
Village Panchayat,
Son of Malik Basha,
Tharadapet Village,
Tiruvannamalai District.

...Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Declaration, by declaring the 5th respondent to disqualify as

Village President of Tharadpet Village, Thandarampet Panchayat Union, Thandarampet Taluk, Tiruvannamalai District and consequently direct the first respondent to make a thorough investigation of Financial irregularities committed by the 5th respondent from the date of assuming office of Village President to till date relating to the affairs of Tharadpet Village Panchayat.

For Petitioner : Mr.S.Udayakumar
For Respondents : Mr.R.Govindasamy,
Special Government Pleader
for R1 and R2

Mr.V.Jayaprakash Narayanan
for R3

Mr.K.Sachidanandam for R5

No appearance for R4

ORDER

This Writ Petition has been filed seeking for a declaration declaring to disqualify the 5th respondent as the President of Tharadapet Village Panchayat and to make thorough investigation regarding the financial irregularities committed by the 5th respondent.

2. The petitioner has filed the present Writ Petition to disqualify the 5th respondent as a President of Tharadpet Village on the ground that, as a President of Village Panchayat, he has committed various irregularities and also misappropriated the funds of the Panchayat for his personal use. Hence, a complaint has been given before the 1st respondent, but no action has been taken. Hence, the present Writ Petition has been filed by the petitioner.

3. Despite notice served on the 5th respondent and his name printed in the cause list, none appeared on behalf of the 5th respondent.

4. The 1st respondent has filed the counter affidavit stating that already, a proceedings has been initiated against the 5th respondent for misuse of panchayat funds, and an enquiry was conducted, and it was found that the 5th respondent caused loss to the Panchayat to the tune of Rs.3,87,707/-. Thereafter, the 1st respondent passed an order dated 31.07.2014, directing the 5th respondent to pay the said amount. Now, the 5th respondent has also paid a part of the amount. Apart from that, a criminal case was also registered against the 5th respondent by the Sathanur Dam Police Station in Crime No.436/2018 for an offence

under Sec.420 I.P.C.

5. Considering the fact that already the action has been taken against the 5th respondent, no further adjudication is required in the present Writ Petition. Hence, the present Writ Petition stands closed. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rpp

To

1.The District Collector,
Tiruvannamalai,
Tiruvannamalai.

2. The Assistant Director of Panchayat,
Collectorate,
Tiruvannamalai,
Tiruvannamalai Dt.

+1cc to Mr.V.Jayaprakash Narayanan, Advocate, S.R.No.87119

+1cc to Mr.S.Udayakumar, Advocate, S.R.No.86996

+1cc to the Government Pleader, S.R.No.86754

W.P. 9566 of 2014
and
M.P. 1 of 2014

SSD(CO)
GSP(04/02/2019)

WEB COPY