

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 30.11.2018

CORAM

THE HONOURABLE DR.JUSTICE VINEET KOTHARI
AND
THE HONOURABLE Dr.JUSTICE ANITA SUMANTH

W.P.No.16990 of 2017

V.Varadha Murugeasen

Petitioner

Versus

- 1 Director of Rural Development
Panangal Building Saidapet
Chennai-600 015
- 2 District Collector/
Inspector of Panchayats
Cuddalore District Cuddalore
- 3 Assistant Director of Panchayats
O/o. Collectrate Cuddalore
Cuddalore District
- 4 The Block Development Officer
Mel Bhuvanagiri Panchayath Union
Bhuvanagiri Cuddalore District
- 5 T.Vasugi

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to initiate criminal proceeding as against the 5th respondent for having committed misappropriation of the public funds under the capacity of the President of Veeramudayan Natham Village Panchayath Board, Mel Bhuvanagiri Panchayath Union, Cuddalore District and consequently issue direction to recover the entire amount misappropriated by her and further to issue a direction forbearing the 5th respondent from participating the forthcoming Panchayat Election to be held in 2017 election by declaring that the 5th respondent is not competent to contest the Panchayat Elections.

For petitioner : Mr.G.Pugazhendhi
For RR1 to 4 : Mr.Jayaprakash Narayanan,
Government Pleader (Incharge)

ORDER

(Order of the court was made by Dr.VINEET KOTHARI, J.)

Petitioner, Mr.V.Varadha Murugesan has filed this writ petition, claiming it to be in public interest with a prayer that this court may issue a writ of mandamus to the respondents viz., the officials to initiate criminal proceedings against the fifth respondent Mrs.T.Vasugi for having committed alleged misappropriation of public funds in the capacity of President of Veeramudayan Natham Village Panchayath Board, Mel Bhuvanagiri Panchayath Union, Cuddalore District and to recover such alleged misappropriated amount from her and to forbear the fifth respondent from participating in the forthcoming Panchayat Elections to be held in 2017. The writ petition was filed on 28.6.2017.

2. Having heard the learned counsel for the parties, we are of the opinion that as far as the Panchayat Election of the year 2017 is concerned, that process is already over by now and therefore, that prayer cannot be granted to the petitioner at this stage.

3. As far as other grievance of the petitioner is concerned, as regards the alleged misappropriation of funds by the fifth respondent, we are of the view that the petitioner is free to pursue regular remedy available to him under the criminal law or before the authority concerned by way of representations.

4. We do not find it to be a fit case to entertain the PIL under Article 226 of the Constitution of India.

5. With the abovesaid liberty to the petitioner, the writ petition is disposed of. No order as to costs.

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

ssk.

To:

- 1 Director of Rural Development
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VGII (CO)
SP (04/01/2019)