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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26/8/2019

C O R A M

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.24220 of 2019

C. Sudarsanan

..Petitioner

Vs

1. Secretary to Government of Tamil Nadu
Rural Development and Panchayat Raj Department
Fort St. George
Chennai 600 009.
2. The Director
Local Fund Audit Department
Panchayat Audit, 4th Floor
Combined Complex, Nandaam
Chennai 600 035.
3. The District Collector
Collectorate
Tiruvannamalai 606 604.
4. The Assistant Director
Village Panchayat
Cheyar
Tiruvannamalai 604 407.
5. The Block Development Officer
Chetpet Union, Chetpet
Thiruvannamalai 606 801.
6. The President
Odalavadi Panchayat
Village Panchayat
Odalavadi Post
Susuai Nagar via
Chetpet Taluk
Tiruvannamalai 632 326.



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7. The Secretary
Odalavadi Panchayat
Village Panchayat
Odalavadi Post
Susuai Nagar via
Chetpet Taluk
Tiruvannamalai 632 326.

8. L. Dharmabalan

9. Sagayam

10. V. Prabhakaran

..Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of mandamus, to direct the respondents 1 to 7 to take appropriate action against the respondents 8 to 10 for misappropriation of public funds, if any misappropriation been found by this Court in the public interest.

For Petitioner : M/s.Aswini Devi

For respondents : Mr.E.Manoharan
Additional Government Pleader
for R.R.1 to 7.

O R D E R

(Order of the Court was made by S.MANIKUMAR, J)

Alleging embezzlement of public funds and mal practices, petitioner and three others have sent a complaint, dated 21/1/2019, to the Hon'ble Chief Minister, Government of Tamil Nadu. Contending further that no action has been taken on the said complaint, instant writ petition has been filed, to direct the respondents 1 to 7, to take appropriate action, against the respondents 8 to 10, for misappropriation of public funds.

2. Material on record discloses that acting on the representation, dated 21/1/2019, sent to the Hon'ble Chief Minister Cell, Director, Local Fund Audit, Chennai, has addressed a letter No.28315/Put/2017, dated 30/1/2019, to the Assistant Director, Local Fund Audit, Thiruvannamalai, to enquire and submit a report.

3. Having regard to the action taken, as stated supra, Mr.E.Manoharan, learned Additional Government Pleader was put on notice.

4. Heard M/s. Aswini Devi, learned counsel for the petitioner and Mr.E.Manoharan, learned Additional Government



Pleader for the respondents 1 to 7 and perused the materials available on record.

5. Contention that no action has been taken on the complaint, dated 21/1/2019, not be accepted. For brevity, letter, dated 30/1/2019, of the Director Local Audit Fund, Chennai, addressed to the Assistant Director, Local Fund Audit, Tiruvannamalai, is extracted hereunder:-

L.No.28315/Put/2017/At dated 30/1/2019

Sub: Thiruvannamalai District - Chetpet Panchayat Union C.Sudharsanam on behalf of public - Odhalavadi Panchayat from 2006 to 2011 - Rules and Regulation not followed Panchayat Secretary - complaint letter sent to Special Secretary to C.M team - Enquiry - requested - reg.

Ref: 1.Complaint letter received from CM
Special/Cell dated 21/1/2019
2.Office Letter No.28315/Put (3) 2017,
dated 7/2/2018.

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In the Ref.first cited, a letter has been received from the CM Special (Cell) and it was stated that the Panchayat Secretary at Odhalavadi village Chetpet Union, Tiruvannamalai District has not followed any rules and regulation and misappropriated. In this connection, it was directed to enquire in this matter and send report to this office. But enquiry report was not received so far it is requested to send this office immediately.

The reason for not taking action and send report as per the letter second cited also be explained."

6. Reading of the above shows that Director Local Fund Audit, Chennai, has directed the Assistant Director, Local Fund Audit, Tiruvannamalai, to enquire into the matter and send a report. Inasmuch as the report has not been received, the Director Local Fund Audit, Chennai, has sought for the reasons for not taking action and send a report, as per the letter, dated 30/1/2019.

7. On the facts and circumstances of the case, we are not inclined to delve into the averments as it is seized of by the Director Local Fund Audit, Chennai. Assistant Director, Local Fund Audit, Tiruvannamalai, is directed to enquire and send a report, as sought for, vide letter, dated 30/1/2019, of the Director, Local Fund Audit, Chennai, within a period of four weeks, from the date of receipt of a copy of this order.



8. With the above direction, writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

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mvs

Sd/-
Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. Secretary to Government of Tamil Nadu
Rural Development and Panchayat Raj Department
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Chennai 600 009.
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7. The Secretary
Odalavadi Panchayat
Village Panchayat
Odalavadi Post
Susuai Nagar via
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Tiruvannamalai 632 326.

8 The Assistant Director,
Local Fund Audit, Thiruvannamalai.

+1cc to M/s.Aswini Devi , Advocate SR.No. 73914 (03/10/2019)

Writ Petition No.24220 of 2019

Kak(26/08/2019)