

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2019

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

WP.No.4731 of 2017

P.Thirugnanasambantham Petitioner

vs.

1. The Secretary to Government of Tamil Nadu,
Department of Municipal Administration, Rural Development,
Panchayats and Panchayat Unions,
Secretariat, Fort St. George,
Chennai - 600 009.

2. Accountant General (Accounts & Entitlements),
Tamil Nadu, Chennai,
361, Anna Salai,
Teynampet, Chennai - 600 018.

3. District Collector,
Cuddalore Collectorate, Cuddalore,
Pincode - 607 001.

4. Director of Rural Development & Panchayat Raj,
Directorate of Rural Development
& Panchayat Raj Department,
Panagal Building, Chennai - 600 015

5. Mr.V. Mahendran,
Erstwhile Planning Officer,
Project Director,
District Rural Development Office,
Beach Road, Cuddalore - 1.

6. Mr.K.Kothandapani,
President,
Adhinarayanapuram Panchayat,
Adhinarayanapuram Post,
Via Alapakkam,
Kurinjipadi Taluk,
Cuddalore District.

... Respondents

[R5 & R6 are impleaded as per order dated 10.03.2017 by HGR.,
ACJ & MSJ in WMP No.6434/2017 in WP No.4731/201]

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, directing the respondents to consider the representation dated 17.03.2016 and to conduct a detailed enquiry and to initiate appropriate action in accordance with law.

For Petitioner : Mr.Krishna Ravindran

For Respondents : Mr.Akhil Akbar Ali (for R1, R3 & R4)
Government Advocate.

ORDER

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

Petitioner has sought for a writ of mandamus, directing the respondents to consider his representation dated 17.03.2016 and to conduct a detailed enquiry and to initiate appropriate action in accordance with law.

2. Supporting the prayer sought for, petitioner has averred as follows:

(i). Petitioner is one of the affected Villagers of Thanur Village, Aathinarayanapuram Village and Thanur Old Colony. Earlier petitioner has filed a public interest litigation in W.P.No.37750 of 2015 and the same was disposed of, with a direction to the 1st respondent therein, namely the District Collector, Cuddalore, to consider petitioner's representation dated 09.04.2015, within a period of one month from the date of receipt of the order. The said order was obtained by the petitioner on 10.12.2015 and was immediately communicated to the respondents including the 1st respondent therein. There was no action for over a month due to which petitioner's counsel has sent a notice dated 28.01.2016 seeking action as per order, failing which, he would be constrained to initiate Contempt petition.

(ii). After that, the officials had called the petitioner and others for an enquiry and the learned Government Pleader,

Cuddalore, had sent a reply vide his letter dated 08.02.2016. In the said reply the various long pending requests of the villagers of Thanur and Aadhi Narayanapuram villages and Thanur old colony, were promised to be fulfilled at the earliest. Further, the learned Government Pleader assured that the wrongfully demolished Kalam (Cement Yard), which is very essential for the farmers of the area, would be rebuilt and the required estimate and sanctions would be processed immediately.

(iii) Vide a detailed reply dated 10.02.2016, though the respondents 1 to 4, assured that the necessary projects would be implemented immediately, till date, no action has been taken to fulfill the basic requirements of the villagers in the said villages. Subsequent to the above developments, petitioner made a representation dated 17.03.2016 to the respondents herein, seeking for appropriate action against the officers in-charge at the relevant point of time, including the Panchayat President for causing severe hardship and unnecessary loss to the villagers and to the Government due to their irresponsible and clandestine action of demolishing an existing Cement yard (kalam) which measured about 4000 Sq. ft. and which was most useful to the farmers during the harvest seasons and at other times. Though the said representation has been received by the respondents, but till date no action has been initiated against anybody responsible. Hence, petitioner was forced to file the present Writ petition seeking for a writ of mandamus, directing the respondents to initiate appropriate action against the erring officials, namely the Panchayat President and the then Project Director Mr.V.Mahendran and other concerned officials at the relevant point of time.

3. In addition to the above, today, when the matter came up for further hearing, Mr.Krishna Ravindran, learned counsel for the petitioner submitted that pursuant to the filing of the instant writ petition, cement yard has been restored. On the basis of the averments, he prayed that his representation dated 17.03.2016, be directed to be enquired.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. Material on record discloses that earlier, petitioner has filed WP No.37750 of 2015 for a mandamus, directing the respondents therein to consider the representation dated 09.04.2015 and that vide order dated 30.11.2015, a Hon'ble Division Bench of this Court, directed consideration of the said representation by the District Collector, 1st respondent therein within one month from the date of receipt of the said order.

6. Thereafter, alleging non compliance of the order, petitioner has sent a contempt notice dated 28.01.2016 to the respondents therein. Reminders have been sent. Finally, Accounts Officer (Legal Cell), office of the Accountant General (Accounts & Entitlements), Tamil Nadu, has forwarded the Advocates notice to the Senior Audit Officer, office of the Principal Accountant General (G&SSA), Chennai.

7. Though, Mr.Krishna Ravindran, learned counsel for the petitioner seeks for a prayer to consider his representation dated 17.03.2016 and order for an enquiry, inasmuch as the cement yard has been restored and put to use by the public and also taking note of the fact that Mr.K.Kothandapani, 6th respondent has ceased to hold office of the President, Adhinarayanapuram Panchayat, Adhinarayanapuram Post, Kurinjipadi Taluk, Cuddalore District, we are not inclined to issue any further directions. Writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government of Tamil Nadu,
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Directorate of Rural Development
& Panchayat Raj Department,
Panagal Building, Chennai - 600 015

+1cc to the Government Pleader, S.R.No.67070

SPD(CO)
CB(04/09/2019)

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