



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD) No.10626 of 2019

and

W.M.P.(MD) Nos.8149 & 8150 of 2019

Mercy

... Petitioner

-vs-

- 1.The District Collector
Tirunelveli District, Tirunelveli
- 2.The Superintendent of Police
Tirunelveli District, Tirunelveli
- 3.The Assistant Director
Village Panchayats
Collectorate
Kokkaraikulam
Tirunelveli
- 4.The Block Development Officer
Village Panchayats
O/o.Panchayat Union Office
Manoor, Tirunelveli District
- 5.David
The Secretary
Kanarpatti Panchayat Board
Manoor
Tirunelveli District PIN-627 201

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the 1st respondent to consider the petitioner's representation dated 07.02.2018, 28.05.2018 and 29.08.2018 and subsequently direct them to take action against the 5th respondent and other persons who involved in fund misappropriation and fund mismanagement in the public works conducted in Kannarpatti Village Panchayat Board, Tirunelveli District.



For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader for R1 to R3

Mr.A.Thiagarajan for R4

WEB COPY

O R D E R

[Order of the Court was made by B.PUGALENDHI, J.]

It is the case of the petitioner that there has been misappropriation of funds in Kannarpatti Village Panchayat, inasmuch as in the year 2013 one particular road was laid for a sum of Rs.1,00,000/- and thereafter, in the year 2017, another sum of Rs.1,00,000/- was spent for the same road. In this regard, the petitioner is said to have given several representations to the District Collector, Tirunelveli District and thereafter, has filed this writ petition in the nature of a public interest litigation.

2. The learned counsel for the petitioner has relied upon certain photographs in support of his contentions and the details, which he has obtained under the Right to Information Act. This Court, under Article 226 of the Constitution of India, cannot conduct a roving enquiry on this issue and issue a direction to the first respondent for taking action simply by considering his representation. If the petitioner is having sufficient material to establish that the fifth respondent has misappropriated the public funds, it is open to him to file necessary application before the concerned Court and workout his remedy in the manner known to law.

3. In fine, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

/ True Copy /

Sub Assistant Registrar (CS)

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To:

1.The District Collector,
Tirunelveli District,
Tirunelveli.



2.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

3.The Assistant Director,
Village Panchayats,
Collectorate,
Kokkaraikulam,
Tirunelveli.

4.The Block Development Officer
Village Panchayats
O/o.Panchayat Union Office
Manoor, Tirunelveli District

+1 CC to M/s.V.RAJIV RUFUS, Advocate(SR-63679[F] dated 29/04/2019)

+1 CC to M/s.SPL GP (SR-64029[F] dated 29/04/2019)

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ES/02.05.2019/3P/7C