



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.09.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD) .No.15276 of 2016
and
W.M.P. (MD) .No.11244 of 2016

S.Mariappan

... Petitioner

Vs.

1.The State of Tamil Nadu
represented by Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Fort St. George,
Chennai 600 009.

2.The District Collector,
Thoothukudi District,
Thoothukudi.

3.S.Shanmugavalli
4.S.Ganapathy
5.Sebesthiyan Mumenth Prakash
6.C.Shanmugaraj

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the respondents 1 and 2 to take appropriate legal action against the respondents 3 to 6 for the irregularities committed by them in respect of granting layout approval and other aspects in connivance with sixth respondent, in the light of direction issued by this Court in W.P.No.14401 of 2014, dated 04.11.2015 and based on the representation submitted by the petitioner dated 06.07.2016, within a time frame to be fixed by this Court.

For Petitioner	: Mr.T.Chandrasekaran
For R1 & R2	: Mr.A.K.Baskara Pandian Special Government Pleader
For R3	: Mr.S.Gokulraj
For R4 & R5	: Mr.R.Vijaya Kumar
For R6	: No appearance



O R D E R

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

This writ petition has been filed to direct the second respondent to take legal action against the respondents 3 to 6 alleging that they have committed irregularities.

2. The entire charges are against the sixth respondent, who is the erstwhile President of S.Kailasapuram Panchayat, Ottapidaram Union, Tuticorin District. The petitioner approached this Court earlier stating that the President of the Panchayat has committed several irregularities, more particularly with regard to grant of approval of layouts. The writ petition was disposed of, by order dated 04.11.2015, directing the District Collector, Tuticorin, to look into the matter and take appropriate action under Section 205 of the Tamil Nadu Panchayats Act, 1994. After the direction was issued, the District Collector has sent a communication dated 16.06.2016, stating about the proceedings initiated against the sixth respondent and other related matters. Subsequently, another representation was given to the second respondent, on 06.07.2016 and based on such representation, the present writ petition has been filed virtually for an identical relief.

3. The second respondent viz., the District Collector has filed a counter affidavit which reveals that the allegations against the sixth respondent were established. Since there was no resolution passed in the Panchayat which was ascertained by the fifth respondent, action was initiated under Section 205 of the Tamil Nadu Panchayats Act. The cheque signing power of the President was withdrawn by invoking the power under Section 203 of the Act. It appears that before the proceedings under Section 205 of the Act could be concluded, the term of office of the President came to an end. Therefore, we are satisfied that no further direction can be issued to the District Collector, based on the petitioner's representation.

4. For the above reasons, the Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Secretary to Government,
State of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Secretariat, Fort St. George,
Chennai 600 009.

2.The District Collector,
Thoothukudi District,
Thoothukudi.

+1 CC to spl.GP (SR-86289[F] dated 12/09/2019)

+1 CC to Mr.T.CHANDRASEKARAN, Advocate (SR-86316[F] dated
12/09/2019)

+1 CC to Mr.S.GOKULRAJ, Advocate (SR-86363[F] dated 12/09/2019)

+1 CC to Mr.R.VIJAYAKUMAR, Advocate (SR-86364[F] dated 12/09/2019)

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MK (03.10.2019) 3P 7C