



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2019

CORAM:

THE HONOURABLE Mr.JUSTICE M.NIRMAL KUMAR

W.P(MD)No.25629 of 2019

K.Subbiah ... Petitioner

Vs.

1.The Director,
Department of Vigilance and Anti Corruption,
293 M.K.N.Road,
Alandur, Chennai - 16.

2.The Director,
Directorate of Panchayats
7th & 8th Floor,
Urban Administrative Office, Campus,
Chennai - Pin 600 028

3.The Director,
Directorate of Local Fund Audit,
Integrated Office Complex for Finance Department,
Anna Salai,
Nandanam,
Chennai - 600 035.

... Respondent

PRAYER: Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st respondent to take necessary action against the erred officials who works under the 2nd respondent in accordance with law by considering the petitioner's representation, dated 09.08.2019, within a reasonable time to be fixed by this Court.

For Petitioner : Mr.V.Rajiv Rupus

For Respondents : Mr.M.Chandrasekaran

Additional Public Prosecutor

O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Mandamus, directing the 1st respondent to take necessary action against the erring officials, working under the 2nd



respondent, in accordance with law, by considering the petitioner's representation, dated 09.08.2019.

2. Mr.V.Rajiv Rupus, the learned counsel appearing for the petitioner would submit that the petitioner has sent a representation, dated 09.08.2019, to the respondents herein, making certain allegations against the Udangudi Panchayat Board Officials, Thoothukudi District. Though charge memos have been issued against many of the officials for their failure in discharging their duties and swindling of public money, one of the officer was again given the charge of Executive Officer in Udangudi Panchayat Board, as additional charge. Arguing further, the learned counsel would submit that despite his representation against the erring officials, no suitable action has been taken by the authorities concerned.

3. Mr.M.Chandrasekaran, the learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that in fact, the representation of the petitioner was received by the Director, Department of Vigilance and Anticorruption, Chennai / the 1st respondent herein and the same was forwarded to the Director, Directorate of Panchayats, Chennai / the 2nd respondent herein, who in turn, forwarded the same to the District Collector, who initiated action against the erring officials.

4. Continuing further, the learned Additional Public prosecutor would submit that, as per Act 27 of the Tamil Nadu Local Bodies Ombudsman Act, 2014, the Government has established an Ombudsman for conducting enquiry on the allegations against the Officers and Employees working under the Local Bodies. As per Section 11 of the Act, if after an enquiry, the Ombudsman finds that there is a *prima facie* case against a public servant, involving a criminal offence, the Ombudsman may refer the complaint and the findings with the recommendation to the appropriate investigating agency.

5. I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. I have also perused the materials on record.

6. Admittedly, in this case, the petitioner has not filed any complaint or representation before the Ombudsman. However, the petitioner had sent a representation, dated 09.08.2019, to the respondents herein, making certain allegations against Thoothukudi District Udangudi Panchayat Board Officials. Anyhow, on receiving the said representation of the petitioner, it has been finally forwarded to the District Collector, who in turn, acted accordingly and took action against certain officials of the said Panchayat. In view of the above, nothing survives in this Writ Petition.

7. In fine, this Writ Petition is dismissed. However, the petitioner is given liberty to make a representation to the



Ombudsman, if so advised. If any such representation is received, the Ombudsman shall act in accordance with law. No costs.

Sd/-

Assistant Registrar (CO)

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// True Copy //

Sub Assistant Registrar(CS)

MPK

To

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+1 CC to Mr.V.RAJIV RUFUS, Advocate (SR-103251[F] dated
04/12/2019)

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MK (20.12.2019) 3P 5C