

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
W.P.Nos.15545 & 26078 of 2013

M.Senthilkumar

... Petitioner in
W.P.No.15545 of 2013

M.Murugesan

... Petitioner in
W.P.No.26078 of 2013

vs

1. The District Collector,
Namakkal District,
Namakkal.
2. The Revenue Divisional Officer,
Tiruchengode,
Namakkal District.
3. The Tahsildar,
Tiruchengode Taluk,
Tiruchengode,
Namakkal District.
4. Manikandan
Village Administrative Officer,
Molasi Village,
Tiruchengode Taluk,
Namakkal District.

... Respondents in
W.P.No.15545 of 2013

1. The Secretary to Government,
Revenue Department,
Fort St. George,
Chennai - 9.
2. The Commissioner,
Revenue Administration,
Chepauk, Chennai-5.
3. The District Collector,
Namakkal District,

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Namakkal.

4. The Revenue Divisional Officer,
Tiruchengode,
Namakkal District.

5. Manikandan,
Village Administrative Officer,
Molasi Village Panchayat,
Molasi, Tiruchengode Taluk,
Namakkal District.

... Respondents in
W.P.No.26078 of 2013

Prayer in W.P.No.15545 of 2013: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 20.5.2013 within a stipulated time.

Prayer in W.P.No.26078 of 2013: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 26.8.2013 within a stipulated time.

For Petitioner : Ms.Hemalatha for
in both W.Ps. Mr.C.Prakasam

For Respondents: Mr.R.S.Selvam, Govt Advocate
for RR 1 to 3 in W.P.No.15545/2013
for RR 1 to 4 in W.P.No.26078/2013
: Mr.P.Sanjai Gandhi for R4 in
WP No.15545/2013
and R5 in W.P.No.26078/2013

For Respondent-4: Mr.P.Sanjaigandhi in W.P.15545/2013

COMMON ORDER

These writ petitions are heard through Videoconferencing, on account of the COVID-19 pandemic situation.

2. These Writ Petitions are filed by two individual petitioners seeking a mandamus to the second respondent in W.P.No.15545 of 2013 and the first respondent in W.P.No.26078 of 2013 to consider their representations dated 25.08.2013 and 26.08.2013 respectively within a stipulated time by the

respondents and pass orders.

3. The petitioners are the residents of Mudalapalayam, Molasi Post, Tiruchengode Taluk, Namakkal District and they are agriculturists. They have made allegations against one Manikandan, who worked as a Village Administrative Officer in the said Village. According to them, the Government sanctioned drought relief fund to the said village, which was mishandled and misappropriated by the said Manikandan by obtaining signatures from the villagers, but not disbursing the amounts. Further, they have also alleged that the said Village Administrative Officer, has been taking illegal gratification for disbursing the said amounts. Therefore, the petitioners had given representations to the respondents to conduct an enquiry and take appropriate action against the erring officials.

4. In W.P.No.26078 of 2013, a counter affidavit has been filed by the Revenue Divisional Officer, Tiruchengode, wherein, it has been stated that the petitioner also had conducted road roko on 05.09.2013 with the support of the village people in front of the Village Administrative Officer, Molasi Village. The Revenue Divisional Officer has also filed a report in R.O.C.No.4358 of 2013 E dated 04.09.2013 to the District Collector, Namakkal based on the representation given by the petitioner. The learned Government Advocate has produced a copy of the said report sent by the Revenue Divisional Officer to the District Collector.

5. The Revenue Divisional Officer has conducted an enquiry after giving an opportunity of personal hearing to the petitioner, in which, it has been found that though the petitioner had alleged that he received only a sum of Rs.2,020/-, he has actually received a sum of Rs.12,240/-. The very complaint is made only due to previous vengeance. It has been specifically stated by the Revenue Divisional Officer in the counter affidavit that the enquiry was taken up pursuant to the representation that was sent by the petitioner dated 26.08.2013. From the report, it is also seen that the Village Administrative Officer, Mr.Manikandan against whom the allegations have been made, had already been transferred to Seetharamapalayam.

6. Already the representation of the petitioner has been considered and a report has been received by the District Collector, no direction need to be given further. Hence, the petitioner cannot have any grievance as he has also been given an opportunity of personal hearing by the Revenue Divisional Officer.

7. Insofar as petitioner in W.P.No.15545 of 2013 is concerned, he has sought for the very same relief. As the enquiry itself is conducted only subsequent to the representation given by him on 20.05.2013 and the allegation is also against the very same Officer, no separate enquiry need to be conducted.

8. With the above observations, the Writ Petitions are dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Namakkal District,
Namakkal.
2. The Revenue Divisional Officer,
Tiruchengode,
Namakkal District.
3. The Tahsildar,
Tiruchengode Taluk,
Tiruchengode,
Namakkal District.
4. The Secretary to Government,
Revenue Department,
Fort St. George,
Chennai - 9.
5. The Commissioner,
Revenue Administration,
Chepauk, Chennai-5.

+1cc to Government Pleader, in SR.27758

W.P.Nos.15545 & 26078 of 2013

GJ (CO)

RV (08/09/2020)