

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2020

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.7086 of 2020

S. Kuppusamy

... Petitioner

vs.

1. The District Collector,
Tiruppur District, Tiruppur.
2. The Block Development Officer,
Office of the Block Development Officer,
Dharapuram.
3. P. Udhayakumar ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to recover the amount of Rs.54,00,290/- from the 3rd respondent and also to initiate necessary criminal proceedings on the 3rd respondent for causing loss to the Panchayat by considering my representation dated 27.02.2020.

For Petitioner : Mr.N.Ponraj

For Respondent : Mr.E. Balamurugan

Special Government Pleader [R1]

Ms. Thangavadhana Balakrishnan

Additional Government Pleader [R2]

सत्यमेव जयते

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the 1st and 2nd respondents to act on the representation made by the petitioner, wherein the petitioner is seeking for action against the 3rd respondent on the ground that he has misused his post of panchayat President and has been amassing wealth.

2. The case of the petitioner is that he is the ward member of Goundachipudur panchayat. According to the petitioner, the 3rd respondent was elected as a president in the same panchayat and he is holding the position from 2011 -2016. During this term, he is said to have committed many illegalities by abusing his powers and he has amassed wealth. It is the further case of the

petitioner that the 3rd respondent had granted approval for converting the agricultural land into house plots with a view to unjustly enrichment himself.

3. A public interest litigation was also filed before this Court and this Court had directed the 1st respondent to consider the representation and pass appropriate order. The 1st respondent considered the representation and came to a conclusion that lot of agricultural lands had been converted into house plots without approval from the DTCP and the panchayat. Under such circumstances, the 1st respondent had also initiated proceedings under Section 205 of the Tamil Nadu Panchayat Act, 1994 on the ground that the 3rd respondent had caused loss to the panchayat to the tune of Rs.54,04,290/-. However no action was taken against the 3rd respondent and his period came to an end.

4. The grievance of the petitioner is that the 3rd respondent after having committed so much of illegality, has walked out freely without no action against him. Therefore, a representation came to be given by the petitioner on 27.02.2020 requesting the 1st and 2nd respondents to take action against the 3rd respondent and recover the amounts, which were illegally earned by him by misusing his power. Since the same was not considered the present writ petition has been filed before this Court.

5. Heard Mr.N. Ponraj, learned counsel for the petitioner, Mr.E. Balamurugan, learned Special Government Pleader for the 1st respondent and Ms.Thangavadhana Balakrishnan, learned Additional Government Pleader for the 2nd respondent.

6. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be direction to the 1st and 2nd respondents to immediately act upon the representation made by the petitioner on 27.02.2020 and take appropriate action strictly in accordance with law within a period of eight(8) weeks from the date of receipt of a copy of this order.

7. The 1st and 2nd respondents shall put the 3rd respondent on notice before taking any final decision on the representation. The petitioner is directed to make fresh representation to the 1st and 2nd respondents along with the earlier representation dated 27.02.2020 and a copy of this order.

This writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Tiruppur District, Tiruppur.
2. The Block Development Officer,
Office of the Block Development Officer,
Dharapuram.

+1cc to Mr.N.Ponraj , Advocate SR.No. 24394

+1 cc to Government Pleader Sr.No. 24581

W.P.No.7086 of 2020

A.SK(24/09/2020)



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