

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.11.2020

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.16205 of 2020
and WMP. No.20233 of 2020

R.Eswaran
President, Ellappa Naidupet village Panchayat
Gandhi Gramam kunnvalam post,
Thiruvallur Taluk and District.

....Petitioner

Vs

1. The Secretary to Government,
Rural Development and Panchayat Raj,
Secretariat, Chennai-9.

2. The Director,
Rural Development and Panchayat Raj,
Panagal Maligai,
Saidapet, Chennai-600 015

3. The District Collector/Inspector of Panchayat,
Collectorate,
Tiruvallur District,
Thiruvallur-602 001

4. The Chairman,
Poondi Panchayat Union,
Poondi, Tiruvallur Taluk & District-602 023

5. The Commissioner,
Poondi Panchayat Union,
Poondi,
Tiruvallur Taluk & District-602 023

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 4 and 5 to consult and get approval of the President cum Executive authority of Ellappa

Naidupet Village Panchayat, Poondi Union, Tiruvallur Taluk and District before taking up any work relating to his panchayat from the funds of panchayat union, Poondi.

For Petitioner : Mr. P.Dhananjayan

For Respondents: Mr.E.Balamurugan
Special Government Pleader

O R D E R

This writ petition has been filed for the issue of a Writ of Mandamus directing the 4th and 5th respondents to consider the representation made by the petitioner on 12.10.2020 and not to take up any work relating to the panchayat without the approval of elected body of Ellappa Naidupet village panchayat.

2. The petitioner is the elected President of the Village Panchayat. The grievance of the petitioner is that the respondents are unilaterally utilizing the funds allotted to the panchayat and are carrying on with work without any consultation or approval of the elected body. The petitioner therefore made a representation on 12.10.2020 to the respondents in this regard. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

3. Heard Mr.P.Dhanjayan, learned counsel for the petitioner and Mr.E.Balamurugan, learned Special Government Pleader for respondents.

4. The scope and ambit of the elected body of the panchayat was dealt with in detail by this Court in the judgment in the case of C.Manimala Vs. Director, Rural Development & Panchayat Raj Department, Panagal Building, Saidapet, Chennai and another, reported in 2020 (7) MLJ 700.

5. This Court has considered the independence and status of the panchayat under the Constitution of India and the Panchayat Act. The principle evolved in this judgment will squarely apply to the case of the petitioner panchayat also.

6. In view of the above, there shall be a direction to the 4th and 5th respondents to consider the representation made by the petitioner on 12.10.2020 in the light of the above judgment of this Court and convey the decision to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rli

To

1. The Secretary to Government,
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Secretariat, Chennai-9.

2. The Director,
Rural Development and Panchayat Raj,
Panagal Maligai,
Saidapet, Chennai- 600 015

3. The District Collector/Inspector of Panchayat,
Collectorate,
Tiruvallur District, Thrivallur- 602 001

4. The Chairman,
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Poondi, Tiruvallur Taluk & District-602 023

5. The Commissioner,
Poondi Panchayat Union,
Poondi,
Tiruvallur Taluk & District-602 023

+2cc to Mr.P.Dhananjayan, Advocate, sr no.37126
+1cc to The Government Pleader, sr no.37394

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NRJK (CO)
RMP (04/12/2020)

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