



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE **T.RAJA**

AND

THE HONOURABLE MR. JUSTICE **B.PUGALENDHI**

W.P. (MD)No.2669 of 2020

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K.Subbaiah

.... Petitioner

Vs.

1. The Director,
O/o. Director of Panchayats,
Kurazhalam, Chennai.
2. The District Collector,
Collectorate,
Thoothukudi District,
Korampallam, Thoothukudi.
3. The Assistant Director of Panchayat,
O/o.AD Panchayat,
Collectorate, Kokirakulam,
Tirunelveli,
Tirunelveli District.
4. The Executive Officer,
Special Panchayat Board,
Tiruchendur,
Thoothukudi District.

.... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issuance of writ of mandamus, to direct the 1st respondent to consider the petitioner's representation dated 27.08.2019 and to set up a Special Committee to conduct enquiry regarding fund misappropriation/fraud found in the administration of 4th respondent.

For Petitioner: M/s.V.Rajiv Rufus

For R1 to R3 : Mr.J.Gunaseelan Muthiah

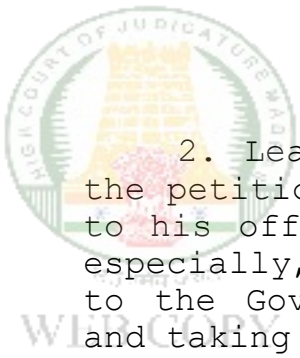
Additional Government Pleader

For R4 : Mr.S.Dhayalan

ORDER

[Order of the Court was made by **T.RAJA, J.**]

K.Subbiah, claiming to be a social activist, has come to this Court with the present writ petition for the issuance of writ of mandamus directing the Director of Panchayats, Kurazhalam, Chennai, the first respondent herein, to consider his representation dated 27.08.2019 and also to set up a Special Committee to conduct an enquiry regarding the misappropriation of fund and fraud found in the administration of 4th respondent.



2. Learned counsel appearing for the petitioner submitted that the petitioner is working as a Sales Representatives and in addition to his official work, he is involving himself for social services, especially, upgrading services in Temple and making representations to the Government Authorities and seeking information through RTI and taking action based on that information.

3. The learned counsel further submitted that Tiruchendur Town is the importance place in Southern part of Tamil Nadu and so many lakhs of devotees are coming and worshiping the Lord Murugan Temple every year. The petitioner, after knowing that the Tiruchendur Town Panchayat Board is having so many financial irregularities and money swindling in its administration, submitted an application dated 27.05.2019 seeking information and documents about the function of the 4th respondent Panchayat Board. With regard to the same, the petitioner has also received reply and documents. To shock and surprise, the petitioner came to know that no work of the panchayat board is being done based on open tender or proper contract, but, only on the basis of oral undertakings, open tenders are held and contracts are given. Therefore, the petitioner is before this Court with the present Public Interest Litigation.

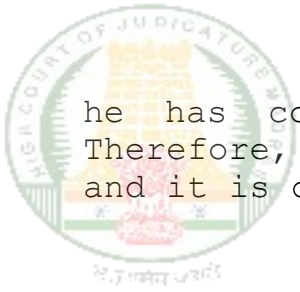
4. Heard the learned counsel for the petitioner and perused the affidavit.

5. According to the petitioner, 4th respondent has been holding tender proceedings for issuance of contract work. But, surprisingly, in the affidavit filed in support of the affidavit, the petitioner has not mentioned any single tender called for by the 4th respondent to indicate any violation or any suspicion found in the conduct of the tender proceedings. Therefore, we are unable to find any merits on the allegation made by the petitioner.

6. Secondly, the petitioner also stated that 4th respondent has claimed that Rs.12,25,060/- was spent for the year 2018-2019 towards repair work of pipe lines and the actual expenses should have been approved from the 4th respondent Engineer before sanctioning the bills. But, the petitioner has not stated, who is the competent authority and whether the said competent authority has sanctioned the expenses for repairing work of pipe lines.

7. Thirdly, the learned counsel for the petitioner has also argued that in the year 2015, when pipe line project work has been undertaken with the jurisdiction of the 4th respondent, the same was not done properly by following rules and regulations.

8. We are unable to find any justifications on the submissions made by the learned counsel for the petitioner, for the reason that



he has come to this Court with the huge delay of 5 years. Therefore, finding no merits in the writ petition, the same fails and it is dismissed accordingly. No costs.

Sd/-

Assistant Registrar (AD-II)

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Sub Assistant Registrar(CS)

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To

1. The Director,
O/o. Director of Panchayats,
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Collectorate,Thoothukudi District,
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Tiruchendur,Thoothukudi District.

+1 CC to M/s.V.RAJIV RUFUS, Advocate (SR-6253[F] dated 13/02/2020)

W.P. (MD)No.2669 of 2020

12.02.2020

SMA/12/03/2020/3P/6C