



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2020

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.7924 of 2020

M.Boopathy

... Petitioner

Vs.

- 1.The District Collector,
Collectorate Buildings,
Madurai.
- 2.The Additional Collector/Planning Director,
District Rural Development,
Madurai.
- 3.The Revenue Divisional Officer,
Madurai.
4. The District Adi Dravidar and
Schedule Tribe Welfare Department,
Madurai.
- 5.The Thasildhar,
Vadipatti Taluk,
Madurai District.
- 6.The Assistant Director (Panchayaths),
Madurai.
- 7.The Assistant Planning Officer,
District Rural Development Department,
Madurai.
- 8.The Block Development Officer,
Panchayath Union,
Alanganallur,
Madurai.
- 9.A.G.Sharmilaji

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to initiate necessary action for verifying/scrutinizing the genuineness of the Community Certificate dated 24.05.2012 produced by the 9th respondent for contesting in the Panchayath Election and for squanddling, misappropriation of the Panchayath Funds on the basis of representations dated 08.01.2020, 21.01.2020, 05.03.2020 and



20.04.2020.

For Petitioner : Mr.R.G.Shankar Ganesh

For Respondents 1 to 8: Mr.Aayiram K.Selvakumar

Additional Government Pleader

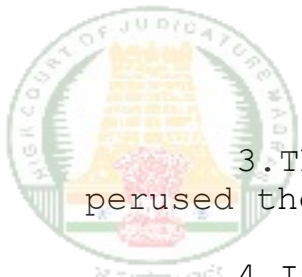
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O R D E R[Order of the Court was made by **M. SATHYANARAYANAN, J.**]

The Writ Petition is styled as a public interest litigation and according to the petitioner, he belongs to the "Malaivedan" community and despite such averment, the petitioner has failed to produce any material in the form of typed set of documents as to his community status. The petitioner would further aver that the post of Kottaimedu Panchayat President has been reserved for the Scheduled Tribe community in the panchayat election and his wife Mrs.Sangeetha, who also belonging to the said community contested the election and the 9th respondent got elected. It is the case of the petitioner that the 9th respondent manipulated records to obtain a false community certificate from the Revenue Divisional Officer, Madurai dated 24.05.2012, based on which, she submitted the nomination as if she belongs to Malaivedan community and it is an intended fraudulent act. The petitioner would further aver that after getting elected, she had transferred funds of the panchayat to her personal account and in this regard he has made a representation to the concerned authorities and considering the same, the concerned authorities stopped the cheque signing power of the 9th respondent. The learned counsel for the petitioner would also submit that the petitioner is repeatedly corresponding with the fourth respondent as well as the third respondent for expediting the process of cancelling the schedule tribe community status of the 9th respondent and for other consequential reliefs and there is todody progress in this regard. Therefore, the petitioner has come forward with this writ petition against the 9th respondent for transferring the funds of the local body to her personal account and with regard to her false community status.

2.Mr.Aayiram K.Selvakumar, learned Additional Government Pleader accpet notice on behalf of the respondents 1 to 8 and on instructions would submit that on an earlier occasion, one Karuppasamy filed a Writ Petition in W.P.(MD) No.6817 of 2020 with regard to the alleged transfer of funds from the bank account of the local body to the personal account of 9th respondent and this Court vide order dated 18.06.2020, directed the concerned authority to consider the representation and pass appropriate orders and accordingly, an enquiry was conducted and the cheque

<https://hcs.judis.govt.in> services of the 9th respondent has been stopped.



3.This Court considered the rival submissions and also perused the materials placed before this Court.

4.It appears from the contents of the affidavit filed in support of the writ petition that the petitioner is having axe to grind against the 9th respondent for the reason that in the election held to the post of Panchayat President of Kottaimedu, the wife of the petitioner was the rival candidate to the 9th respondent and the 9th respondent got elected. Therefore, the petitioner had started making representations alleging illegal transfer of funds from the bank account of the local body in the personal account of the 9th respondent and challenging her community status. Now, the petitioner requires appropriate action in the form of the cancellation of the community certificate issued in favour of the 9th respondent. In the considered opinion of this Court, the cancellation of scheduled tribe community certificate is a long drawn process and the communication of the 6th respondent dated 28.01.2020, the fourth respondent dated 14.02.2020 also would disclose that appropriate directions have been issued to conduct enquiry and submit a report. If the petitioner still has any grievance with regard to the progress in the enquiry, he is always in a position to approach the higher authorities to the fourth respondent and sixth respondent and that apart he has an opportunity to approach the authorities under the Right to Information Act to know about the status of the enquiry and inspite of an effective alternative remedy, the petitioner has straightaway rushed to this Court. This is not a fit case, where this Court is inclined to exercise it's equitable remedy.

5.In the result, the Writ Petition is dismissed and if the petitioner is so advised, he is at liberty to avail the alternative remedies available in accordance with law before the competent forum/officials. However, in the circumstances of the case, there is no order as to the costs.

Sd/-

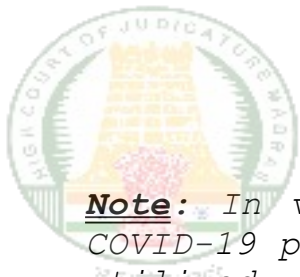
Assistant Registrar(AD-II)

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Sub Assistant Registrar(CS)

sj



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned

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