



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.10192 of 2020

All Village Panchayat Presidents Sangam - Tamilnadu

Rep. by its State Secretary

R.Kannan,

S/o.Ramchandran,

Vanjinipatti, Thiruppathur Taluk,

Sivagangai District.

... Petitioner

Vs.

1.The District Collector,
District Collectorate Campus,
Sivagangai District.

2.The Assistant Director of Panchayat,
O/o. Assistant Directorate of Panchayat,
Collectorate Campus,
Sivagangai.

3.The Block Development Officer,
Village Panchyat,
Thiruppathur Block,
Sivagangai District.

4.C.Murugesan

... Respondents

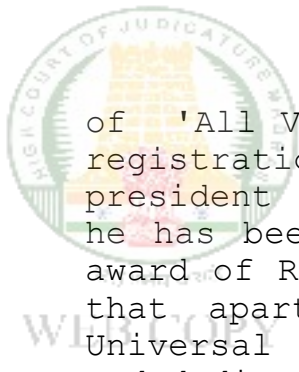
Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 03.08.2020 and take appropriate action on his representation.

For Petitioner	: Mr.S.Arivalagan
For Respondents 1 and 2	: Mr.R.Murugan
	Additional Government Pleader
For 3rd Respondent	: Mrs.J.Padmavathi Devi
For 4th Respondent	: Mr.I.Pinaygash

O R D E R

[Order of the Court was made by **M.SATHYANARAYANAN, J.**]

The petitioner claims to be a resident of Vanjinipatti, Thiruppathur Taluk, Sivagangai District and also the State Secretary



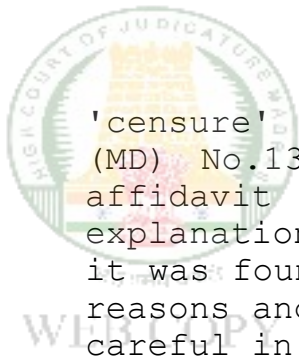
of 'All Village Panchayat Presidents Sangam - Tamil Nadu', bearing registration No.411/2016. According to the petitioner, he was the president of Vanjinipatti Panchayat Union between 2006 to 2016 and he has been awarded with Nirmal Puroshkar Award along with a cash award of Rs.1,00,000/- by His Excellency the President of India and that apart, he was given the Life Time Achievement Award by Universal Tamil University, Bangalore, for the long years of loyal and dedicated services to the mission.

2.It is the case of the petitioner that the fourth respondent became a part time employee in Vanjinipatti Panchayat Union Office by way of fraudulently showing his sister's address as his permanent address and got the job and got permanency and working as Secretary in Vanjinipatti Panchayat Union for over 20 years. The petitioner did not oversee and monitor the Green House Scheme and also demanded the beneficiaries to part with some of the allotted amount. It is also alleged by the petitioner that the fourth respondent had two Voter Identity Cards and that apart, also played misdeeds and also guilty of misconduct.

3.The learned counsel for the petitioner would submit that on an earlier occasion, he submitted a representation dated 29.12.2016, in this regard and in view of the non-disposal of the same, he filed W.P.(MD) No.1356 of 2017 against the official respondents as well as the State Election Commission praying for issuance of Writ of Mandamus, directing the respondents 1 to 4 to consider his representation regarding the fraudulent act by the fourth respondent, who was arrayed as fifth respondent, and to take appropriate action. The Writ Petition came to be allowed, directing the respondents 1 to 4 to look into the representation dated 29.12.2016, and despite that no action whatsoever has been taken and taking advantage of the said lapses on the part of the official respondents, the fourth respondent continued to indulge in misdeeds and misconduct and therefore, prays for appropriate action.

4.Mr.R.Murugan, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 2, Mrs.J.Padmavathidevi, learned counsel accepts notice on behalf of the third respondent and Mr.I.Pinaygash, learned counsel accepts notice for the fourth respondent.

5.The learned counsel for the third respondent has drawn the attention of this Court to the counter affidavit of the third respondent dated 23.09.2020 and would submit that the allegations levelled against the fourth respondent by the petitioner have been considered and enquiry was also caused and *prima facie* it was found that there was no irregularity and insofar as holding of two Voter Identity Cards is concerned, disciplinary action was taken and one card was surrendered and now he is having one one Identity Card and in the disciplinary proceedings, he was awarded the punishment of



'censure' in compliance of the order dated 01.02.2017 made in W.P. (MD) No.1356 of 2017. It is further stated in the said counter affidavit that in respect of the belated remittance of house tax, explanation was sought for and from the contents of the explanation it was found that the delay in belated remittance was due to genuine reasons and he has been issued with a warning that he should be more careful in future.

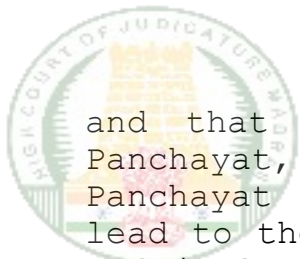
6.It is the further submission of the third respondent that while the petitioner was holding the post of President of Vadamavalli Village, the fourth respondent has served as Secretary and there was difference of opinion between the petitioner and the fourth respondent, which lead to the present litigation and therefore, prays for dismissal of the Writ Petition.

7.The learned counsel for the fourth respondent has filed the counter affidavit as well as typed set of documents and would submit that the fourth respondent belongs to Scheduled Caste Community and in the Local Body Election, 2016, the Panchayat President post was reserved for Scheduled Caste (Women), for which, his wife Anjalai had filed a nomination and in view of the same, the petitioner started giving troubles in the form of repeated representations and further points out that in the light of the order dated 01.02.2017, in made W.P.(MD) No.1356 of 2017, it is not open to the petitioner to adjudicate the same cause of action through litigation in the form of the present Writ Petition and prays for dismissal of the Writ Petition with exemplary costs.

8.In response, the learned counsel for the petitioner would submit that because of the excellent track record of the petitioner and he is always serving and protecting the cause of public interest, it is obligatory on the part of the official respondent to take appropriate action and pass appropriate orders.

9.This Court considered the rival submissions and perused the materials available on record.

10.A perusal of the counter affidavit filed by the third respondent would disclose that with regard to the allegations levelled against the fourth respondent action has been taken in accordance with law and he was awarded punishment of 'censure' with regard to possession of two Identity Cards and in respect of belated remittance of house tax, explanation was called for and after consideration of the explanation, he was issued with warning to be more careful in future. It is to be noted at this juncture that the third respondent being an official has no axe to grind either in favour of the fourth respondent or the petitioner. It is also the stand of the fourth respondent that on account of the fact that his wife has filed nomination for the post of Panchayat President, reserved for Scheduled Caste (Women), the petitioner got infuriated



and that apart, when the petitioner was the President of the Panchayat, the fourth respondent served as Secretary of the said Panchayat and there was difference of opinion between them, which lead to the present litigation, which is nothing but a malafide one and it has been filed with a view to increase the hardship to the fourth respondent.

11.Insofar as the prayer made by the petitioner, being the President of All Village Panchayat Presidents Association, to take action against the fourth respondent for the alleged infractions is concerned, the counter affidavit filed by the third respondent would disclose that necessary and appropriate action has been taken and in the light of the fact that the third respondent has initiated action in discharge of the official duty, he cannot be found fault with. It also appears that on account of the difference of opinion, rather lack of understanding, between the petitioner and the fourth respondent, the second writ petition came to be filed. In the light of the stand taken by the third respondent, the prayer sought for by the petitioner is not maintainable.

12.In the result, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

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

To

1.The District Collector,
District Collectorate Campus,Sivagangai District.

2.The Assistant Director of Panchayat,
O/o. Assistant Directorate of Panchayat,
Collectorate Campus,Sivagangai.

+1 CC to M/s.GP (SR-18702[F] dated 01/10/2020)

W.P. (MD)No.10192 of 2020

30.09.2020

SCR(CO)

AP(08/10/2020) 4P 4C

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