



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.10594 of 2020

WEB COPY

Ganesan

... Petitioner

Vs.

1.The District Collector,  
Madurai District, Madurai.

2.The Assistant Director,  
Department of Rural Development,  
Collector Campus, Madurai.

3.The Block Development Officer,  
Melur, Madurai District.

4.The President,  
T.Vellalapatti Panchayat,  
Melur, Madurai District.

5.P.Ponnulingam

... Respondents

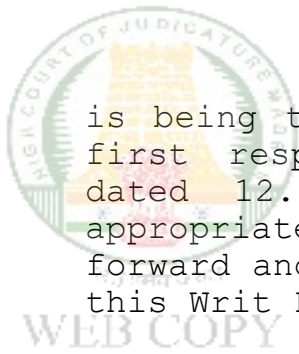
**Prayer :** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to take appropriate actions against the 5th respondent based on the representation dated 10.07.2019 and 27.07.2020.

For Petitioner : Mr.S.Saravanakumar  
For Respondents 1 to 3 : Mr.M.Muthugeethaiyan  
Special Government Pleader  
For 4th respondent : Mr.M.Muniasamy

### O R D E R

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

The petitioner is the resident of T.Vellalapatti and according to him, the fifth respondent is employed as Panchayat Assistant and he has swindled the money allotted to the local body and enumerated the said details in paragraph 4 of the affidavit filed in support of this Writ Petition. It is the further case of the petitioner that at present, he is the Vice-President of T.Vellalapatti Panchayat and despite repeated representations as to the misdeed and misconduct on the part of the fifth respondent in passing orders and usurping the public money, no worthwhile action



is being taken and therefore, he has approached the office of the first respondent, who vide memo in Na.Ka.No.22543/2019/Oo.Va.-8 dated 12.09.2019, has directed the third respondent to take appropriate action. Though one year has lapsed, nothing is moving forward and therefore, he is constrained to approach this Court with this Writ Petition.

2.Heard Mr.S.Saravanakumar, learned counsel for the petitioner, Mr.M.Muthugeethaiyan, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 3 and Mr.M.Muniyasamy, learned Standing Counsel, who accepts notice on behalf of the forth respondent.

3.The learned counsel for the petitioner would submit that despite serious lapses, misconduct and financial irregularities on behalf of the fifth respondent has been pointed out, the concerned superior officials, for the reasons best known to them, not choose to take any action and hence, prays for appropriate orders.

4.The learned counsel for the fourth respondent would submit that based on the complaint given by the writ petitioner, the Deputy Block Development Officer has conducted an enquiry and sent a communication to the fourth respondent, giving a clean chit to the fifth respondent and undertakes to communicate the same to the petitioner, so as to enable him to workout his remedy in accordance with law.

5.In the light of the above said submission of the learned counsel for the fourth respondent, nothing remains for further adjudication in this Writ Petition and **therefore, it is closed.** The fourth respondent is directed to send the copy of the proceedings/order, giving clean chit to the fifth respondent, to the petitioner within three weeks from the date of receipt of a copy of this order. Upon receipt of the same, if the petitioner is so advised and if it is permissible in law, it is open to him to workout his further remedy before the competent forum in accordance with law. However, in the circumstances of the case, there shall be no order as to the costs.

Sd/-

Assistant Registrar ( )

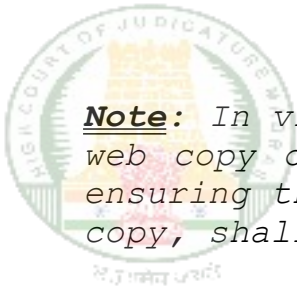
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/ /2020

Sub Assistant Registrar(CS )

sj

<https://hcservices.ecourts.gov.in/hcservices/>



**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

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+1 CC to M/s.GP ( SR-15701[F] dated 02/09/2020 )

**W.P. (MD)No.10594 of 2020**

**01.09.2020**

SPU (10.09.2020) 3P 6C