



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD) No.17842 of 2020

M.Rajakumaran

: Petitioner

Vs.

1. The District Collector,  
Thoothukudi District,  
Thoothukudi.
2. The Block Development Officer (Village Panchayats),  
Tiruchendur,  
Thoothukudi District.
3. The President,  
Kayamozhi Village Panchyat,  
Kayamozhi, Tiruchendur Taluk,  
Thoothukudi District.
4. Isakkiammal,  
Panchayat Secretary,  
Kayamozhi Village Panchayat,  
Kayamozhi, Tiruchendur Taluk,  
Thoothukudi District.

: Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the 1<sup>st</sup> Respondent to initiate appropriate proceedings against the 4<sup>th</sup> Respondent under Section 106 of Tamil Nadu Panchayats Act, 1994 on the basis of the representation of the Petitioner dated 29.09.2020.

For Petitioner : Mr.R.R.Kannan

For 1<sup>st</sup> Respondent : Mr.M.Muthu Geethaiyan

For 2<sup>nd</sup> Respondent : Mr.Angappan

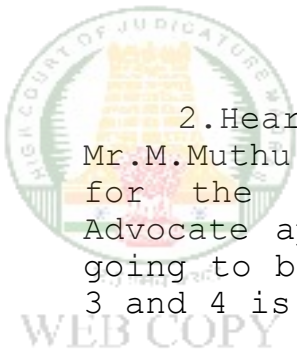
Government Advocate

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**ORDER**

(Order of the Court was made by **N.KIRUBAKARAN, J.**)

The petitioner has come before this Court, seeking a Writ of Mandamus, directing the 1<sup>st</sup> Respondent to initiate appropriate proceedings against the 4<sup>th</sup> Respondent under Section 106 of the Tamil Nadu Panchayats Act, 1994.



2.Heard Mr.R.R.Kannan, learned Counsel for the petitioner and Mr.M.Muthu Geethaiyan, learned Special Government Pleader appearing for the first respondent and Mr.Angappan, learned Government Advocate appearing for the second respondent. In view of the order going to be passed in this Writ Petition, notice to the respondents 3 and 4 is dispensed with.

3.Mr.R.R.Kannan, learned Counsel appearing for the petitioner would submit that the fourth respondent, who is working as Panchayat Secretary of Kayamozhi Village Panchayat, has misappropriated several lakhs of rupees and in this regard, the petitioner has given a representation dated 29.09.2020. Since no action has been taken so far, the petitioner has come before this Court with this Writ Petition.

4.When the matter was called today, Mr.Angappan, learned Government Advocate appearing for the second respondent has produced the communication of the Assistant Director (Audit), Thoothukudi, dated 07.12.2020, to the second respondent, wherein the second respondent was requested to instruct the fourth respondent to appear before the Assistant Director (Audit), Thoothukudi, on 14.12.2020 at 11.00 A.M. for enquiry, regarding the complaint of the petitioner.

5.Though action has been taken belatedly today, on the complaint of the petitioner dated 29.09.2020, this Court expects that appropriate action will be taken on the complaint of the petitioner.

6.In view of the above, this Court directs the respondents 1 and 2 and the Assistant Director (Audit), Thoothukudi, to conduct an enquiry on the representation of the petitioner dated 29.09.2020, by giving an opportunity of hearing to the petitioner and the fourth respondent, and pass orders on merits and in accordance with law within a period three months from the date of receipt of a copy of this order.

7.Accordingly, this Writ Petition is disposed of. No costs.

Post the matter after three months for reporting compliance.

Sd/-

Assistant Registrar (C.O)

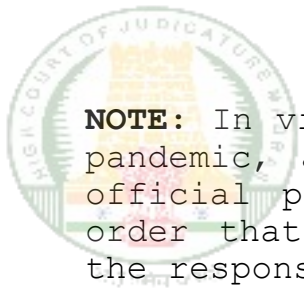
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/ /2020

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.

## WEB COPY

To

1. The District Collector,  
Thoothukudi District,  
Thoothukudi.
2. The Block Development Officer (Village Panchayats),  
Tiruchendur,  
Thoothukudi District.

Copy to: The Section Officer,  
Writ Section,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to Mr.R.R.KANNAN, Advocate ( SR-24352[F] dated 08/12/2020 )  
+1 CC to the SPL GP ( SR-24636[F] dated 09/12/2020 )

**W.P. (MD) No.17842 of 2020**  
**07.12.2020**

MJ(CO)  
CS(22.12.2020) 3P 6C