

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17.03.2021

Coram

The HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No. 5941 of 2021

P.Thambidurai

.. Petitioner

vs.

1. The District Collector,
Dharmapuri District, Dharmapuri.

2. The Block Development Officer
(Rural Development),
Morappur, Dharmapuri District.

3. P.Chinnasamy

4. C.Perumal

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the first respondent to disqualify the 3rd respondent from holding the post of Vice Chairman of Morapur Panchayat Union by considering the petitioner's representation dated 22.06.2020.

For Petitioner : Ms.M.Geetha Thamaraiselvan

For Respondents : Mr.D.Venkatesan,
Government Advocate for R1
Mr.V.Jayaprakash Narayanan,
Government Pleader for R2
Mr.Vimal Pandian,
for Mr.K.Balu for R3 and R4

ORDER

This writ petition has been filed for the issuance of a mandamus directing the first respondent to disqualify the third respondent from holding the post of Vice Chairman of Morappur Panchayat Union by considering the petitioner's representation dated 22.06.2020.

2.The case of the petitioner is that the third respondent, who is holding the post of Vice Chairman, has taken out a contract in the name of his father, the fourth respondent herein. Respondents 3 and 4 are the partners in the firm Chinna Constructions, which has taken substantial contract works in the Morappur Panchayat Union. The grievance of the petitioner is that the third respondent, being the Vice Chairman, ought not to have participated in the tender and it is against the provisions of Section 38 of the Tamil Nadu Panchayats Act, 1994.

3.Section 38(3)(c) of the Tamil Nadu Panchayats Act, 1994 reads as under:

38.Disqualification of members:

(3).Subject to the provisions of Section 41, a member shall cease to hold office as such, if he

.....

(c)acquires any interest in any subsisting contract made with or any work being done for any panchayat except as a shareholder (other than a director) in a company or except as permitted by rules made under this Act.

4.By referring the provision under Section 38 (3) (c) of the Tamil Nadu Panchayats Act, 1994, the petitioner appears to have made a representation to the first respondent herein on 22.06.2020 and the same has not been acted upon and therefore, the petitioner has filed the present writ petition.

5.Heard the learned counsel for the parties.

6.In view of the above, without expressing anything on the merits of the case, this Court directs the first respondent viz., the District Collector and Inspector of Panchayats, Dharmapuri to consider the representation of the petitioner dated 22.06.2020 and take appropriate action in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to respondents 3 and 4 also.

7.With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mmi

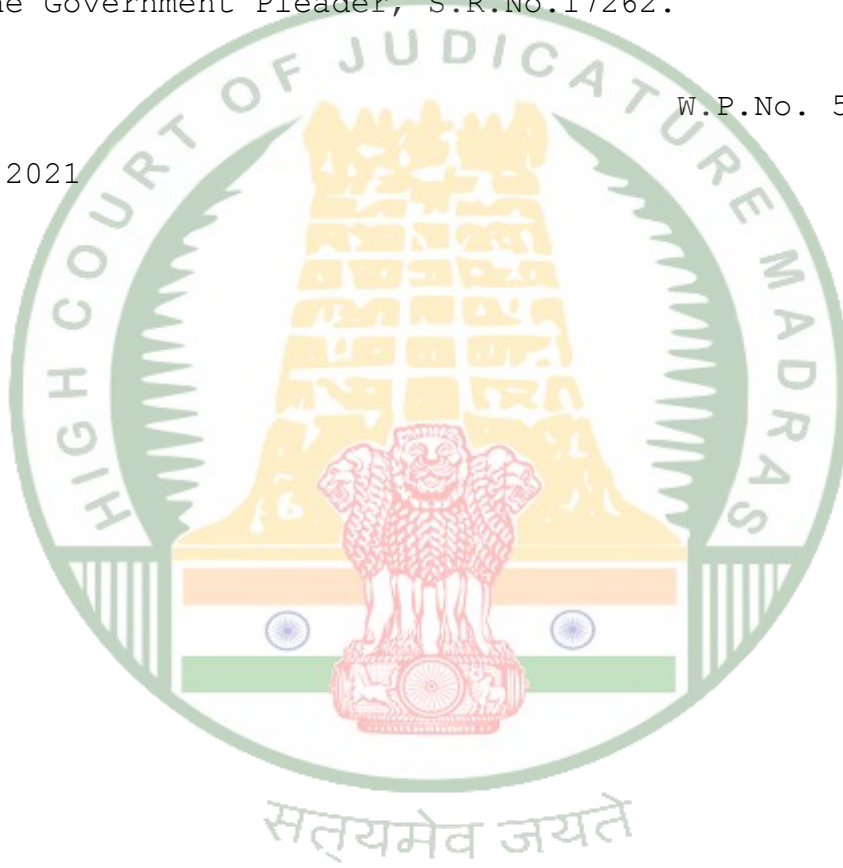
To

1. The District Collector,
Dharmapuri District, Dharmapuri.
2. The Block Development Officer
(Rural Development),
Morappur, Dharmapuri District.

+2cc to Mr.R.Thamaraiselvan, Advocate, S.R.No.17085.
+1cc to the Government Pleader, S.R.No.17262.

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PL(CO)
CSR 01.04.2021



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