

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.10668 of 2021

Umapathy

... Petitioner

Vs.

1. The District Collector
Chengalpattu District.

2. The Assistant Director
Panchayat
Kancheepuram.

3. The Deputy Director cum Planning Director
Block Development Agency
Chengalpattu & District.

4. The Block Development Officer
Achirapakkam
Chengalpattu District.

5. Mageshwari

6. Kala

... Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents 1 and 2 herein to consider the petitioner's representation dated 09.03.2020 seeking action for the misconduct and misappropriation been done in the Mahatma Gandhi Rural Employment Guarantee Scheme at the petitioner village viz., No.51, Thandarai Puducherry Village, Perumbakkam Post, Madurantakam Taluk, Chengalpattu District.

For Petitioner : Mr.G.Magesh Kumar

For R1 to R4 : G.K.Muthukumar

ORDER

(Made by the Hon'ble Chief Justice)

The grievance of the petitioner is that the private respondents have apparently purported to misappropriate funds allocated for the Mahatma Gandhi Rural Employment Guarantee Scheme.

2. It is possible that the petitioner may have an axe to grind against the private respondents. It is equally possible that the petitioner may have some other ulterior motive.

3. However, when the allegation pertains to defalcation of public funds, the matter has to be looked into if any cogent material is supplied by the petitioner or any prima facie grounds are made out in support of the contention.

4. Without going into the veracity of the petitioner's allegations and completely without prejudice to the rights and contentions of the private respondents, W.P.No.10668 of 2021 is disposed of by permitting the petitioner to make a representation to the District Collector, Chengalpattu, with the fullest material in his possession, within two weeks from date. The District Collector, upon receipt of the material, will look into the matter. If the District Collector is satisfied that no case has been made out, the District Collector will indicate the same to the petitioner in a reasoned order. If some material is found against the private respondents, the District Collector will deal with the same and decide on the matter upon affording a hearing to both the petitioner and the private respondents. In such event, the speaking order of the District Collector should be available within eight weeks of the receipt of the representation. If it is found that there has been any defalcation, immediate appropriate action should follow.

5. Since the private respondents have been permitted an opportunity of hearing, in the event the District Collector seeks to proceed against them, no previous notice has been required to be issued to them.

W.P.No.10668 of 2021 is disposed of. There will be no order as to costs.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

sra

To

1. The District Collector
Chengalpattu District.
2. The Assistant Director
Panchayat
Kancheepuram.
3. The Deputy Director cum Planning Director
Block Development Agency
Chengalpattu & District.
4. The Block Development Officer
Achirapakkam
Chengalpattu District.

+1cc to Government Pleader SR.No.26030

W.P.No.10668 of 2021

LN (CO)
GMY (22/06/2021)

सत्यमेव जयते

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