

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.13935 of 2020

K.Vijay Petitioner

Vs.

1. The State rep. by
The Secretary
Tamil Nadu Panchayat and Rural Development
Head Quarters, St. George Fort
Chennai 600 009.
2. The Collector
Office of Collectorate
Tiruvallur District.
3. The Director
Municipality Development and Rural Development
Panagal Maligai, Saidapet
Chennai.
4. The Planning Director
District Rural Development
Tiruvallur
Tiruvallur District.
5. The Commissioner
Gummudipoondi Union
Gummudipoondi
Tiruvallur District.
6. S.Birla ... Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing respondents 1 to 5 to consider and take appropriate legal action based on petitioner's representation dated 09.01.2020 in accordance with law, within a stipulated time.

For Petitioner : Mr.S.Sugendran

For Respondents : Mr.V.Jayaprakash
Narayanan
State Govt. Pleader
for respondents 1 to 4

Mr.MA.Gowthaman
for respondent-5

ORDER

(Made by the Hon'ble Chief Justice)

The allegation in the so-called public interest litigation relates to the perceived defalcation of funds pertaining to the "100 days' work" in a particular area. The writ petitioner says that the sixth respondent is closely associated with the local authorities and public funds have been misappropriated through the sixth respondent.

2. A counter-affidavit has been filed on behalf of the fifth respondent denying that there has been any defalcation. The fifth respondent, a public official, has taken responsibility in filing an affidavit upon verifying the accounts. It is submitted that a copy of such counter-affidavit has been forwarded to advocate for the petitioner.

3. Though the petitioner seeks time on the ground that counter-affidavit has not been received, nothing much would turn on such aspect of the matter. It can be scarcely expected of the Court, in exercise of the authority under Article 226 of the Constitution, to go into the accounts or investigate into the same. The matter has been looked into by a public official and an affidavit filed before this Court.

4. In the event the writ petitioner has anything specific against the sixth respondent, notwithstanding the clean chit given by the fifth respondent, the writ petitioner will be permitted to point out the perceived anomalies to the Collector, who is the second respondent herein, whereupon the Collector should cause the accounts to be looked into for the purpose of ascertaining the veracity of the petitioner's allegations. In the event specific allegations are reached to the Collector within a period of six weeks from date, the Collector will consider the same and respond to the petitioner by a speaking order within eight weeks of the receipt of alleged anomalies.

5. It is not possible for the Court, with its

limitations, to look into the accounts whenever a case of misappropriation is brought, unless it involves a larger public interest covering a greater area or affecting a cross-section of citizens.

W.P.No.13935 of 2020 is disposed of. There will be no order as to costs.

Sd/-

Assistant Registrar (IX)

/TRUE COPY/

Sub-Assistant Registrar

kpl

To

1. The Secretary
Tamil Nadu Panchayat and Rural Development
Head Quarters, St. George Fort
Chennai 600 009.
2. The Collector
Office of Collectorate
Tiruvallur District.
3. The Director
Municipality Development and Rural Development
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4. The Planning Director
District Rural Development
Tiruvallur
Tiruvallur District.
5. The Commissioner
Gummudipoondi Union
Gummudipoondi
Tiruvallur District.

+1CC to Mr.S.Sugendran Advocate, SR.NO.7786.

+1CC to Mr.Ma.Gouthaman Advocate, SR.NO.8592.

+1CC to The Government Pleader High Court ,Madras

SR.NO.8062.

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W.P.No.13935 of 2020

MP (CO)

NRA (17/03/2021)