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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2021

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P NO.16133 OF 2021

AND W.M.P NO.17062 OF 2021

C.Vijayakumar

... Petitioner

Vs.

- 1.The District Collector / Inspector of Panchayat,
Tiruvannamalai,
Tiruvannamalai District.
- 2.The Assistant Director (Panchayat)
Tiruvannamalai,
Tiruvannamalai District.
- 3.The Project Director
Rural Development and Panchayat (Panchayat Department)
Tiruvannamalai,
Tiruvannamalai District.
- 4.The Block Development Officer
Tiruvannamalai Panchayat Union,
Tiruvannamalai,
Tiruvannamalai District.
- 5.The Malapampadi Village Panchayat
Rep by its President,
Malapampadi Village,
Tiruvannamalai Taluk,
Tiruvannamalai District.

6.Mrs.Kumari Venkatesan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to take action against the 6th respondent under sections 202 and 203 of the Tamilnadu Village Panchayat Act 1997.



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For Petitioner : Mr.R.Rajarajan

For Respondents: Mr.U.Baranidharan
Government Advocate
for R1 to R3

Mr.Richardson Wilson
Government Advocate for R4

M/s.K.Poomalai for R5 & R6

ORDER

This writ petition was filed for a direction to the 1st respondent to take action against the 6th respondent under Sections 202 and 203 of the Tamil Nadu Village Panchayat Act, 1997 on the ground that the 6th respondent who is the Panchayat President indulged in corrupt practices and also misappropriated public funds.

2.When the matter was taken up for hearing on 03.08.2021, this Court directed the learned counsel appearing on behalf of the respondents 1 to 3 to take instructions and report before this Court with regard to the complaint made by the petitioner who is none other than the Vice-President of the Panchayat.

3.When the matter was taken up for hearing today, the learned Government Advocate brought to the notice of this Court the Memorandum dated 30.07.2021 of the 2nd respondent. The learned Government Advocate submitted that the 2nd respondent on enquiry did not find any material to recommend for action to be taken against the 6th respondent under the Panchayat Act.

4.The learned counsel for the petitioner submitted that the final decision can be taken only by the 1st respondent who is the Inspector of Panchayat and hence, the petitioner will give his objections for the Memorandum of the 2nd respondent dated 30.07.2021 and it will be submitted before the 1st respondent and the 1st respondent may be directed to consider the same and take a decision, within the time stipulated by this Court.

5.Taking into consideration the facts and circumstances of the case and the Memorandum of the 2nd respondent dated 30.07.2021, the petitioner will be at liberty to give his objections before the 1st respondent on the Memorandum issued by the 2nd respondent and the 1st respondent on receipt of the same shall consider the entire facts and circumstances and take a decision strictly in accordance with law, within a period of four weeks from the date of receipt of the objections from the petitioner.



6. This writ petition is disposed of accordingly. If the proceedings of the 2nd respondent has not already been sent to the petitioner, the same shall be sent immediately. A copy of the Memorandum of the 2nd respondent shall also be served on the learned counsel for the petitioner. No Costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

ssr

To

1. The District Collector / Inspector of Panchayat,
Tiruvannamalai,
Tiruvannamalai District.
2. The Assistant Director (Panchayat)
Tiruvannamalai,
Tiruvannamalai District.
3. The Project Director
Rural Development and Panchayat (Panchayat Department)
Tiruvannamalai,
Tiruvannamalai District.
4. The Block Development Officer
Tiruvannamalai Panchayat Union,
Tiruvannamalai,
Tiruvannamalai District.
5. The President
The Malapampadi Village Panchayat
Rep by its President,
Malapampadi Village,
Tiruvannamalai Taluk,
Tiruvannamalai District.

+1cc to Mr.R.Rajarajan, Advocate, SR.No.41671
+1cc to Government Pleader, SR.No.41776

W.P No.16133 of 2021
and W.M.P No.17062 of 2021

RSV(CO)
PM(09/09/2021)