



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2021

CORAM:

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P. No. 18472 of 2021

E. Sithaian

.. Petitioner

Vs

1. The District Collector
Office of District Collector,
Erode District,
Erode

2. G. Kumaravel

..Respondents

Prayer .: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to consider the representation of the petitioner dated 11.08.2021 in accordance to law within time stipulated by this Court.

For Petitioner : Mr.Adinarayanarao

For Respondents : Mr.U.Baranidharan
Government Advocate

O R D E R

This writ petition has been filed for the issue of Writ of mandamus directing the 1st respondent to consider the representation made by the petitioner on 11.08.2021 wherein, the petitioner has pointed out the disqualification suffered by the 2nd respondent under Section 38(D) of the Tamilnadu Panchayats Act, 1994 (hereinafter referred to as 'the Act').

2. Heard Mr.Adinarayanarao learned counsel for the



petitioner and Mr.U.Baranidharan, learned Government Advocate for the 1st respondent.

3. The case of the petitioner is that the 2nd respondent was elected as the Councillor for Ammapettai Panchayat Union during the election that was held on 30.12.2019 and was declared on 06.01.2020. According to the petitioner, the 2nd respondent is a practising Advocate and after getting selected as the Councillor, he is barred from entering appearance against the Panchayat or the Government. According to the petitioner, the 2nd respondent has filed a case in O.S.No.63/2020 before the District Munsif Court, Bhavani on behalf of one Mr.A. Gunasekaran. In the said suit, the District Collector and the Revenue Officers have been added as defendants and the 2nd respondent has appeared in this case. Therefore, the petitioner alleges that the 2nd respondent suffers from a disqualification under Section 38(D) of the Act. The petitioner made a representation before the first respondent on 11.08.2021. Since the same was not considered, the present writ petition has been filed seeking for appropriate directions.

4. Taking into consideration the facts and circumstances of the case and limited relief sought for in this writ petition, there shall be a direction to the 1st respondent to consider the representation dated 11.08.2021, after affording an opportunity to the petitioner and the 2nd respondent and take a decision on its own merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

5. The petitioner is directed to make a fresh representation to the first respondent along with all the relevant documents and also a copy of this order.

6. This writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

RAP/RR



To

The District Collector
Office of District Collector,
Erode District,
Erode.

+1cc to the Government Pleader, S.R.No.44887

W.P.No. 18472 of 2021

KG (CO)
SU (21/09/2021)