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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2021

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 21232 of 2021

A.Bhuvaneshwari

...Petitioner

-Vs-

1.The Secretary to the Government of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Fort St.George, Chennai - 600 009.

2.The Inspector of Panchayat / The District Collector,
Tiruvannamalai District.

3.K.Allaudaiyaan

4.S.Rajan

5.The Superintendent of Police,
Tiruvannamalai.

...Respondents

(R5 Suo motu impleaded vide order dated
28.10.2021 made in W.P. No. 21232 of 2021 by
NAVJ)

PRAYER : Writ Petition filed under Article 226 of the
Constitution of India, praying for issuance of Writ of
Mandamus directing the first and second respondents to
consider the petitioner's representation dated 14.09.2021 and
consequently, direct the third and fourth respondents herein
not to interfere with the petitioner from discharging her duty
as Village Panchayat President of Melsozhankuppam Village,
Kalasapakkam Taluk, Tiruvannamalai District.

For Petitioner : Mr.J.Prakasam

For Respondents : Mrs.Akila Rajendran
Government Advocate for R1 and R2
Mr.S.Santhosh
Govt. Advocate (Crl. side) for R5
No appearance for R3 and R4



O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the first and second respondents to consider the petitioner's representation dated 14.09.2021 and consequently, direct the third and fourth respondents herein not to interfere with the petitioner from discharging her duty as Village Panchayat President of Melsozhankuppam Village, Kalasapakkam Taluk, Tiruvannamalai District.

2. The petitioner is the elected President of the Village called 'Melsozhankuppam Village' and while discharging her duty as a Village Panchayat President, there seems to be some hindrance from the third and fourth respondents, under which, according to the petitioner, literally the petitioner is being prevented from discharging her duty as a Village Panchayat President at the hands of the third and fourth respondents.

3. Therefore, the petitioner in order to consider her representation which was given in this regard to the first and second respondents on 14.09.2021 has approached this Court by filing the present Writ petition.

4. When this Writ Petition came up for earlier hearing, my Predecessor has impleaded the fifth respondent, i.e., the Superintendent of Police of the District concerned suo motu as one of the party respondent, a direction was also given to the Police authority to enquire the matter and report before this Court.

5. Pursuant to the said direction issued by this Court, the fifth respondent after having conducted the enquiry has filed a compliance report dated 28.10.2021, where inter alia, the fifth respondent has stated the following:

"3. I submit that in the meantime, the writ petitioner has filed the above writ petition seeking protection to do her activities and affairs as the President of the Panchayat by considering her representation dated 14.09.2021 given to the first respondent / Inspector of Panchayats, Tiruvannamalai District without impleading the Superintendent of Police as party to the writ petition. I submit that when the writ petition was came up for hearing on 28.10.2021, this Hon'ble Court upon hearing the arguments on behalf of the second respondent was suo motu impleaded the Superintendent of Police as the fifth respondent and issued a direction to the fifth respondent / SP of Police to immediately act upon the complaint given by the writ petitioner and ensure that the third and fourth respondents do not interfere with the functioning of the petitioner who is the President of the



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Village Panchayat and also directed me to file a compliance report on or before the next hearing, i.e., on 11.11.2021.

4. I submit that thereafter, I came to know the order dated 28.10.2021 only on 10.11.2021 and directed the Station House Officer, Kadalai Police Station to conduct necessary enquiry in this regard. During the course of the enquiry, the respondents 3 and 4 voluntarily came and gave their individual undertakings dated 12.11.2021 to the Inspector of Police, Kadaladi PS in writing that they will not interfere with the functions of the writ petitioner as the President of the panchayat and in view of the undertaking given by the respondents 3 and 4, the writ petitioner also accepted the undertakings of the respondents 3 and 4 and gave a statement dated 13.11.2021 in writing to the Inspector of Police, Kadaladi PS stating that no further action need to be taken on her complaint in view of the enquiry conducted. As such the dispute between the petitioner and the respondents 3 and 4 was given quietus."

6. Relying upon this report, Mr.S.Santhosh, learned Government Advocate appearing for the fifth respondent would submit that, during the enquiry, the third and fourth respondents have given voluntary statement that, they would not indulge in any such activities which tend to prevent the statutory duties to be discharged by the petitioner as an elected President of the Village concerned and that has been recorded and the copy of the same also has been filed before this Court.

7. Like that, on 13.11.2021, the petitioner herself has given a letter to the Inspector of Police concerned who conducted the enquiry that, though the petitioner had given a complaint already, in view of the stand now taken by the third and fourth respondents, after conducting the enquiry, the said complaint need not be further enquired to or action need not be further taken in this regard. The said request in writing made by the petitioner dated 13.11.2021 has also been annexed in the typed set of papers filed by the fifth respondent.

8. Heard Mrs.Akila Rajendran, learned Government Advocate appearing for the first and second respondents who would also reiterated the aforesaid development and seeks indulgence of this Court to dispose the Writ Petition accordingly.

9. Heard Mr.J.Prakasam, learned counsel appearing for the petitioner who would submit that, in view of the said development taken place, recording the same, this Writ Petition can be disposed of.



10. In view of the said development taken place where the third and fourth respondents have come out voluntarily and given the written statement that, they would not indulge in any such activities which tend to prevent the petitioner from discharging her duties as an elected Village Panchayat President, in this regard, a request already been made in writing by the petitioner herself that, no further action need to be taken in this regard on the complaint already given by the petitioner.

11. Having considered the said development taken place and taking into account of the report in this regard filed by the fifth respondent, this Court feels that, no further order is required to be passed in this Writ Petition except recording the aforesaid development.

12. Accordingly, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

vji

To

1.The Secretary to the Government of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Fort St.George, Chennai - 600 009.

2.The Inspector of Panchayat / The District Collector,
Tiruvannamalai District.

3.The Superintendent of Police,
Tiruvannamalai.

+1cc to Government Pleader SR. No.62641

W.P. No. 21232 of 2021

KSM (CO)
PR (14/02/2022)