



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

and

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.A(MD)No.1210 of 2013

and

M.P(MD)No.2 of 2013

The Panchayat President,
Ayacode Village Panchayat,
Cherupaloor Post,
Kanyakumari District.

... Appellant / 2nd Respondent
Vs.

1.L.Rameshkumar

... 1st Respondent / Petitioner

2.The District Collector,
Nagercoil,
Kanyakumari District.

... 2nd Respondent / 1st Respondent

PRAYER: The Writ Appeal filed under Clause 15 of the Letters Patent Act, against the order passed by this Court in W.P.(MD)No.13589 of 2011, dated 01.03.2013.

Prayer in WP(MD). 13589/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the 2nd respondent to pay the daily wages to the petitioner fixed by the District Collector time to time.

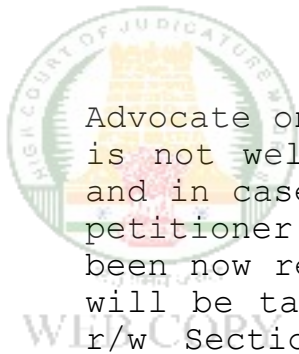
For Appellant : Mr.A.Saravanan
For R1 : Mr.D.Anbarasu
For R2 : Mr.S.P.Maharajan,
Spl.Govt.Pleader

JUDGMENT

S.VAIDYANATHAN, J.
and
DR.G. JAYACHANDRAN, J.

The Writ Appeal has been filed against the order passed by this Court in W.P.(MD)No.13589 of 2011, dated 01.03.2013.

2. On perusal of records, we noticed that there is fabrication of records to get employment, which fact was not brought to the light of the learned Single Judge. On 29.10.2021, the Tahsildar has filed a report, for which, the writ petitioner's counsel wanted to file a reply. Today, no reply has been filed and the junior



Advocate on record sought time on the ground that the Senior Counsel is not well. When we pointed out that the document is fabricated and in case, we hold that it is a fabrication of records by the writ petitioner in collusion with the then Panchayat President, who has been now re-elected as President of the same Panchayat, both of them will be taken to task and the Court may invoke Section 191 IPC., r/w Sections 195 and 349 Cr.P.C., to proceed against both the parties. At the request of the learned counsel for the writ petitioner, the matter was passed over to the afternoon session. When the matter is called in the afternoon session, the learned counsel for the writ petitioner / 1st respondent submits that he is not pressing the relief sought in the Writ Petition in W.P(MD) No.13589 of 2011 and the same may be recorded.

3. Recording the submission made by the learned counsel appearing for the writ petitioner / 1st respondent, the Writ Appeal is allowed and the order passed by this Court in W.P.(MD)No.13589 of 2011, dated 01.03.2013 is set aside. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MPK

To

The District Collector,
Nagercoil,
Kanyakumari District.

+2 CC to M/s.A. SARAVANAN, Advocate (SR-35094[F] dated 19/11/2021)

+1 CC to M/s.SPL GP (SR-35177[F] dated 19/11/2021)

ORDER MADE IN

W.A(MD)No.1210 of 2013

18.11.2021

PS (CO)

GC(03.12.2021) 2P 5C