



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.05.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.9535 of 2021

and

W.M.P. (MD) No.7277 of 2021

WEB COPY

M.Muruganatham

... Petitioner

-Vs-

1. The District Collector / Inspector of Panchayat
Sivagangai District,
Sivagangai.

2. The Project Director / Joint Director,
District Rural Development Scheme,
Sivagangai District,
Sivagangai.

3. The Block Development Officer - Block Panchayat,
Ilayangudi Panchayat Union,
Ilayangudi,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to restrain the respondents from withdrawing the amount of Rs.83,41,623/- (Rupees Eighty Three Lakhs Forty One Thousand Six Hundred and Twenty Three only) from the General Fund of 3rd respondent Panchayat Union Council without approval given by the Panchayat Union Council at a General Meeting.

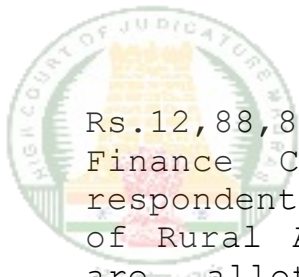
For Petitioner : Mr.V.Kannan

For Respondents : Mr.P.Thilakkumar
Standing Counsel for Government

ORDER

This writ petition has been filed seeking a Writ of Mandamus, to restrain the respondents from withdrawing the amount of Rs.83,41,623/- from the General Fund of 3rd respondent Panchayat Union Council without approval given by the Panchayat Union Council at a General Meeting.

2. According to the petitioner, he is the Councillor of 3rd Ward of Ilayangudi Panchayat Union. The Director of Rural Development and Panchayat Department, allotted a sum of



Rs.12,88,84,400/- for development of rural areas from the State Finance Commission Fund to Sivagangai District. The first respondent allotted a sum of Rs.1,42,06,298/- towards development of Rural Areas in Ilayankudi Panchayat Union. When the amounts are allotted for administration of Panchayat Union, the respondents have utilized the amounts without following the proper procedure. Any expenditure towards any subject matter under the jurisdiction of the Panchayat Union, requires a meeting and resolution from the Panchayat Union. While so, without following the procedure, a contract has been awarded by the respondents to the tune of Rs.58,64,675/- exceeding their power. According to the petitioner, the Council of Panchayat Union only has the power to authorize the expenditure from the general fund and the respondents have only the supervisory power. The respondents are making arrangements to pay a sum of Rs.83,41,623/- from the General Fund. The Chairman of Ilayangudi Panchayat Union has called for a Meeting to be held on 26.05.2021(today). Therefore, the petitioner has come out with the present petition for the above said relief.

3. Heard Mr.V.Kannan, learned counsel appearing for the petitioner and Mr.P.Thilakkumar, learned Standing Counsel appearing for the respondents.

4. According to the petitioner, the respondents cannot withdraw and spend money without the approval of the Panchayat Union Council.

5. From the averments in the affidavit, it is seen that the Panchayat Union Council meeting is scheduled to be held on 26.05.2021 (i.e.) today.

6. In view of the Panchayat Union Council meeting is scheduled to be held on 26.05.2021 (i.e.) today, it is open to the petitioner, being a Ward Councillor, to attend the meeting and raise his objections in the meeting.

7. For the above reasons, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar/
Vacation Officer ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



ogy/smn2

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The District Collector / Inspector of Panchayat
Sivagangai District,
Sivagangai.
2. The Project Director / Joint Director,
District Rural Development Scheme,
Sivagangai District,
Sivagangai.
3. The Block Development Officer - Block Panchayat,
Ilayangudi Panchayat Union,
Ilayangudi,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-18616[F] dated 27/05/2021)

W.P. (MD) No. 9535 of 2021
26.05.2021

VB(03/06/2021) 3P / 5C