



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

**W.P. (MD) .No.10188 of 2021
and W.M.P(MD) No.7894 of 2021**

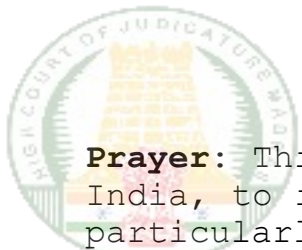
M.Sabiyulla

...Petitioner

Vs.

- 1.The Principal Secretary,
Rural Development Department,
Secretariat, Fort St George,
Chennai.
- 2.The Director of Rural Development,
Rural Development & Panchayat Directorate,
Panakal Building, Sidapet, Chennai-15.
- 3.The District Collector,
Trichirappalli District,
Trichirappalli.
- 4.The Assistant Director (Panchayat),
Collectorate,
Trichirappalli.
- 5.The Block Development Officer (Village Panchayat)
Manapparai Panchayat Union,
Manapparai,
Trichirappalli District.
- 6.Amutha Anandan,
W/o.Anandan,
President,
Puthanatham Village Panchayat,
Manapparai Panchayat Union,
Manapparai,
Trichirappalli District.
- 7.R.Venkatraman,
S/o.Not Known,
Secretary,
Puthanatham Village Panchayat,
Manapparai Panchayat Union,
Manapparai,
Trichirappalli District.

... Respondents



Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 particularly the third respondent to take immediate action on the petitioner's representation dated 29.04.2021 and conduct enquiry in the manner known to law by providing opportunity of personal hearing to the petitioner and all the interested parties within a time frame as fixed by this Court.

For Petitioner : Mr.B.Prahalad Ravi

For R-1 to R-4 : Mr.M.Lingadurai
Government Advocate (Civil)

For R-5 : Mr.K.S.Selvaganesan
Government Advocate

ORDER

This writ petition has been filed for the issuance of writ of Mandamus directing the respondents 1 to 5 and in particular, the third respondent to take action on the representation made by the petitioner on 29.04.2021 and conduct enquiry and take action against the Office Bearers of the Panchayat.

2.The case of the petitioner is that he is the elected member of the 5th ward of Puthunatham Village Panchayat. According to the petitioner, the 6th and 7th respondents, who are the President and Secretary of the Village Panchayat have committed various illegalities and irregularities and have swindled the funds of the Panchayat. The further allegation that has been made against them is that they have sanctioned and issued work order to Contractors known to them even without calling for tenders.

3.The petitioner made a complaint in this regard to respondents 1 to 5 and since the same was not acted upon, the present writ petition has been filed before this Court, seeking for appropriate directions.

4.When the matter came up for admission during the morning session, considering the seriousness of the allegations made in the affidavit filed in support of the writ petition, this Court directed the Government Counsel to take instructions and report before this Court as to whether the work order was issued even without calling for a tender.

5.The matter was again called during the post lunch session and by then, the learned Government counsel had received instructions from the 5th respondent. The learned Government counsel also circulated the particulars of the work order and the tender that was called for in order to issue these work orders. These particulars



have been given by the Block Development Officer, who is the 5th respondent.

6.The learned Government Counsel submitted that the complaint given by the petitioner will be enquired by the third respondent and the allegations made by the petitioner will be decided after giving opportunity to the petitioner and respondents 6 & 7. The Government counsel submitted that some time may be fixed to enable the third respondent to take a decision on the complaint made by the petitioner.

7.The learned counsel for the petitioner submitted that the work orders should not be issued till the third respondent takes a decision on the complaint given by the petitioner.

8.In the considered view of this Court, the complaint made by the petitioner is going to be enquired by the third respondent. The particulars submitted before this Court by the learned Government Counsel shows that the work orders have been issued to carry out certain urgent works and therefore, it may not be proper to stop those works from being carried out. Ultimately, the third respondent must enquire on the allegations made by the petitioner in the complaint and take a decision and the same also covers the alleged irregularities in issuing the work order only to known persons.

9.In view of the above, there shall be a direction to the third respondent to consider the complaint given by the petitioner, on 29.04.2021 and deal with the same on its own merits and in accordance with law, after affording opportunity to all the parties concerned and take a decision, within a period of six weeks from the date of receipt of a copy of this order.

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

11.This writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

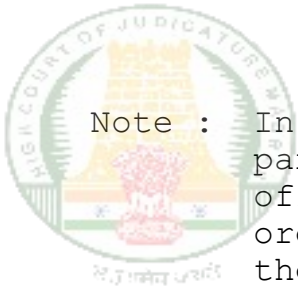
Assistant Registrar(CS-III)

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/ /2021

Sub Assistant Registrar(CS)

TM



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.

WEB COPY

To:

- 1.The Principal Secretary, Rural Development Department,
Secretariat, Fort St George, Chennai.
- 2.The Director of Rural Development,
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Trichirappalli.
- 5.The Block Development Officer (Village Panchayat)
Manapparai Panchayat Union, Manapparai,
Trichirappalli District.

+1 CC to M/s.SPL GP (SR-19670[F] dated 18/06/2021)

+1 CC to M/s.B.PRAHALADRAVI, Advocate (SR-19711[F] dated 21/06/2021

W.P. (MD) .No.10188 of 2021

17.06.2021

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TR(30.06.2021) 4P 8C