



BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 24.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)No.11616 of 2020
(Through Video Conferencing)

Madhumitha

... Petitioner

Vs.

1.The District Collector cum Inspector of Panchayats,
Theni District, Theni.

2.The Assistant Director of Panchayat,
Office of Assistant Director of Panchayat,
Collectorate, Theni, Theni District.

3.The Block Development Officer,
Village Panchayat,
Theni, Theni District.

4.The President,
Oonjampatti village Panchayat
Theni Panchayat Union,
Theni District.

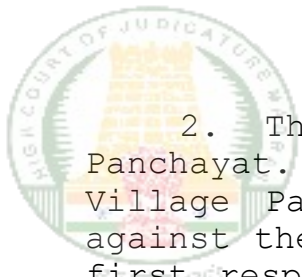
... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to conduct enquiry and to take appropriate action against the 4th respondent for misappropriation of the Panchayat Board funds and her illegal accounts, activities based on the petitioner's representations dated 09.06.2020 and 10.08.2020 within a time frame stipulated by this Court.

For Petitioner : Mr.S.A.Ajmal Khan
For Respondents : Mr.R.Suresh Kumar for R1 & R2
Government Advocate
Mr.K.Appadurai for R4
Mr.P.Mahendran for R3

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the first respondent, who is the Inspector of Panchayats to take action based on the representations made by the petitioner on 09.06.2020 and 10.08.2020.



2. The petitioner is the Vice President of the Village Panchayat. The 4th respondent is the Village President of the Village Panchayat. The petitioner has made several allegations against the 4th respondent and a complaint has been given before the first respondent, who is the Inspector of Panchayats. Since the same was not acted upon, the present writ petition has been filed before this Court seeking for appropriate directions.

3. The fourth respondent has filed a counter affidavit and has denied all the allegations.

4. Heard the learned counsel for the petitioner, the learned Government Advocate for the respondents 1 to 2 and the learned counsel for the 3rd and 4th respondent.

5. In the considered view of this Court, there is no requirement for this Court to go into the allegations and counter allegations made by the petitioner and the fourth respondent. The first respondent, who is the competent authority, can consider the representations made by the petitioner and see if the allegations made by the petitioner requires any action to be taken against the fourth respondent or the same is liable to be rejected.

6. In view of the above, there shall be a direction to the first respondent to consider the representations made by the petitioner on 09.06.2020 and 10.08.2020 and conduct an enquiry by affording an opportunity to the parties on its own merits and in accordance with law and take a decision within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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 cum Inspector of Panchayats,
Theni District,
Theni.

2.The Assistant Director of Panchayat,
Office of Assistant Director of Panchayat,
Collectorate, Theni,
Theni District.

3.The Block Development Officer,
Village Panchayat,
Theni,
Theni District.

+1 CC to M/s.P.MAHENDERAN, Advocate (SR-20246[F] dated 25/06/2021)

+1 CC to M/s.S.A.AJMAL KHAN, Advocate SR-20250[F] dated 25/06/2021

+1 CC to M/s.SPL GP (SR-20316[F] dated 25/06/2021)

W.P. (MD) No.11616 of 2020
24.06.2021

SMV(CO)

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