



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P(MD)No.14946 of 2021

WEB COPY

Sankiliammal

... Petitioner

vs.

1.The Director,
Department of Vigilance & Anti
Corruption,
No.293, M.K.N.Road,
Collector Nagar, Alandur,
Chennai-600 016.

2.The Deputy Superintendent of Police,
Department of Vigilance & Anti Corruption,
Theni-625 531. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to take necessary action against the erring President, namely, Gowri based on the representation of the petitioner, dated 21.05.2021 within the time stipulated by this Court.

For Petitioner : Mr.C.Jeganathan
For Respondents : Mr.E.Antony Sahaya Prabahar
Government Advocate (Crl.side)

ORDER

This Writ Petition is filed for a direction to the respondents to take necessary action against the erring President, namely, Gowri, based on the representation of the petitioner, dated 21.05.2021 within the time stipulated by this Court.

2.Heard the learned counsel appearing for the petitioner and Mr.E.Antony Sahaya Prabahar, learned Government Advocate (Crl.side), who accepts notice on behalf of the respondents.

3.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The petitioner is the permanent resident of Kandamanoor Village, Antipatti Taluk, Theni District. She was elected as a Ward Member of Kandamanoor Village Panchayat for the period of 2020-2025 and consequentially elected as a Vice President. As of now, she is discharging her duties as Vice President of the said Panchayat. It



is an allegation made against the Panchayat President, viz., Gowri, as she is indulged in illegal activities, more fully, without doing the works, she claims money as if the work had been done. In respect of the said illegal activities, the petitioner herein lodged a complaint before the Block Development Officer, Kadamalaikundu and based on the said complaint, after made an inspection, no action has been taken.

5. In the said circumstances, after knowing the said illegal activities the petitioner, who is having the power to sign in the cheque which in relation to Panchayat activity, refused to sign in cheque. In this regard, with connivance of the official, the President viz., Gowri try to take away the cheque signing power from the petitioner. Therefore, the petitioner has filed a writ petition before this Court in W.P(MD)No.10295 of 2021, wherein, this Court had granted an Interim Order, and ultimately the petitioner is retain the power to sign in the cheques. In otherwise, in respect of the misappropriation committed by the President, the petitioner has sent a representation, dated 21.05.2021 before the respondents and thereafter, till date, no such action has been taken by the respondents. Therefore, the petitioner is before this Court with present writ petition.

6. In response to the said submission, the learned Government Advocate (Crl.side) appearing for the respondents would submit that the complaint sent by the petitioner has been received by the respondent on 21.05.2021, and after receipt of the same, to know the real picture on 17.06.2021 the same has been forwarded to the Director of Rural Development and Panchayat Raj Department with request to furnish the correct details.

7. In the said circumstances, being the reason that the petitioner had raised allegation in respect to the misappropriation of public fund, it is necessary for the respondents to dispose the said representation within the time stipulated.

8. Hence, in view of the above, this Court directs the respondents to consider the representation given by the petitioner, dated 21.05.2021 and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

9. In the result, the writ petition is disposed of with above direction. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



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 Director,
Department of Vigilance & Anti Corruption,
No.293, M.K.N.Road,
Collector Nagar, Alandur,
Chennai-600 016.
- 2.The Deputy Superintendent of Police,
Department of Vigilance & Anti Corruption,
Theni-625 531.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**W.P (MD) No.14946 of 2021
24.08.2021**

MGJ(01.09.2021) 3P 4C