



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2021
CORAM

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

W.P. (MD)No.9067 of 2018

I.Gangatharan

... Petitioner

Vs.

1.The District Collector,
O/o. the District Collector,
Kanniyakumari District.

2.The Deputy Director (Panchayat),
Nagercoil,
Kanniyakumari District.

3.The Commissioner,
Kuruthancode Panchayat Union,
Kanniyakumari District.

4.The Deputy Block Development Officer (Audit),
Kuruthancode Panchayat Union,
Kanniyakumari District.

5.Sarojini, W/o.Jupiter Udhayam

6.Jupiter Udhayam, S/o.Kasi Udhayam

7.Merit Udhayam, D/o.Jupiter Udhayam

8.Vijayalakshmi, W/o.Murugesan

9.N.Anandakumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the second respondent to expedite the enquiry against the respondents 5 to 9 as mentioned in his letter in ந.க.எண் அ 2/60/2014> dated 07.10.2015, upon misappropriations of Panchayat funds on the basis of the petitioner's representation, dated 10.04.2018 and submit the report as expeditiously as possible within the time frame that may be stipulated by this Court.



For Petitioner : Mr.B.N.Raja Mohamed
For R1 to R4 : Mr.K.P.Krishnadoss
Special Government Pleader

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner, being the contestant to the post of President at one point of time and made his wife to contest thereafter against the private respondents, seeks action on the premise that they have committed embezzlement in dealing with the public money.

2.In the affidavit filed by respondent No.6, the following statements have been made:-

''2. I state that even from my childhood, I involved in various social activities. I have also supported the public in various manners. The public who are interested in my activities insisted me to contest in the election. Thereby during the year 1996, I contested for the post of President, Kattimancode Panchayat. The petitioner who was batched by a political party also contested in the election. Due to the confidence reposed by the public in me, I was elected as a President in the elections which was conducted during 1996. As a President, I discharged various social obligations and duties to the utmost satisfaction of the public's in general. In fact, he developed animosity against me and started to give all sought of troubles in all manners, because of election motive. I state that the petitioner contested in election during 2001 for the post of President, while I was contesting for the said post and I got elected. Thereafter, in 2006 election, my wife contested for the post of President, at that time, the writ petitioner introduce his wife for contesting in the election. During 2011, the writ petitioner contest for the post of Councilor and lost in the election at that particular point of time my wife contested for the post of President and she also lost. The writ petitioner lost in the election conducted during 2020 and now, I am the President of Kattimancode Panchayat. I state that due to the illegal activities of the writ petitioner even proceedings under Section 107 of Cr.P.C. were initiated against me as one party and the petitioner's group as another party. As such the writ petitioner made all efforts to prevent me from doing social works. However I never become tired and I used to carry out the works, unmindful of the activities of the writ petitioner.''

3.The learned Special Government Pleader appearing for respondent Nos.1 to 4, on instructions, submitted that the <https://hccservicesportal.com/hccservices/> against the private respondents are not true.



4.We do not wish to express anything more except by dismissing the Writ Petition. We refrain ourselves from imposing cost, though the petitioner has not placed on record the fact relating to Paragraph No.2 of the counter affidavit of respondent No.6.

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5.This Writ Petition is dismissed accordingly. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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,
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4.The Deputy Block Development Officer (Audit),
Kuruthancode Panchayat Union,
Kanniyakumari District.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-14612[F] dated 31/03/2021)

+1 CC to M/s.SPL GP (SR-14821[F] dated 31/03/2021)

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