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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2022

C O R A M

THE HON'BLE MS.JUSTICE V.M.VELUMANI

W.P.No.2697 of 2022

and

W.M.P.Nos.2866 & 2867 of 2022

Manju

...Petitioner

Vs

1. The Inspector of Panchayat Cum District Collector,
Thiruppur, Thiruppur District.
2. The Tahsildar,
Kangeyam Taluk,
Thiruppur District.
3. The Block Development Officer,
Kangeyam Union and Taluk,
Thiruppur District.
4. S.Geethamani Sivakumar,
The President,
Maravapalayam Village Panchayat Council,
Chennimalai - Via,
Kangeyam Taluk, Thiruppur District.

... Respondents

Prayer Writ Petition filed under Section 226 of the Constitution of India, prayed for the issuance of Writ of Mandamus, directing the 1st respondent to pass order on the complaint submitted by the ward members of Maravapalayam Village Panchayat Councils dated 28.06.2021 within the time limit as fixed by this Court.

For Petitioner : Mr.S.Arokiamaniraj

For R1 to R3 : Mr.K.Karthik Jagannath
Government Advocate

ORDER

This Writ Petition is filed seeking for a direction to the 1st respondent to pass order on the complaint submitted by the ward members of Maravapalayam Village Panchayat Councils dated 28.06.2021 within the time limit as fixed by this Court.



2.By consent of both the learned counsel appearing for the petitioner as well as Mr.K.Karthik Jagannath, the learned Government Advocate, who takes notice for the respondents 1 to 3, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, she was elected as 4th ward member in Maravapalayam Village Panchayat on 02.01.2020. Subsequently, she was elected as Vice President in the said Village Panchayat. The 4th respondent, President of the Panchayat has been acting unilaterally against the interest of the village by violating the provisions of the Panchayat Act and Rules. The petitioner and other nine ward members made a complaint on 28.06.2021 to the 1st respondent to take action against the 4th respondent. Though the 1st respondent received the complaint of the petitioner and others, has not acted on the complaint. In such circumstances, the petitioner and other ward members of the Village Panchayat convened a Special Village Panchayat Council meeting and passed "No Confidence Motion" against the 4th respondent. Again on 02.08.2021, the petitioner and other ward members gave another representation including "No Confidence Motion" to the 1st respondent. As per Section 205 of the Panchayat Act, the 1st respondent appointed three members enquiry committee, consisting of Zonal Deputy Tahsildar, Kangeyam Taluk; Block Development Officer and Assistant Director of Panchayat. The said Committee conducted enquiry on 10.11.2021 at Maravapalayam Village Panchayat Office. However, no action was taken by the 1st respondent against the 4th respondent. Hence, the petitioner has come out with the present Writ Petition.

4.Mr.K.Karthik Jagannath, learned Government Advocate appearing for the respondents 1 to 3 submitted that the 1st respondent will consider the complaint of the petitioner and other ward members within a time frame fixed by this Court.

5.Considering the contention of the petitioner that the 1st respondent has formed a three members committee and also conducted enquiry on 10.11.2021 based on the "No Confidence Motion" passed on 23.07.2021 and the nature of the relief sought for in the present Writ Petition, the 1st respondent is directed to consider the complaint of the petitioner and other ward members dated 28.06.2021 and pass orders on merits and in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order.



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6. With the above direction, the Writ Petition is disposed of. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To:

1. The Inspector of Panchayat Cu, District Collector,
Thiruppur, Thiruppur District.
2. The Tahsildar,
Kangeyam Taluk,
Thiruppur District.
3. The Block Development Officer,
Kangeyam Union and Taluk,
Thiruppur District.

+1cc to Mr.S.Arokia Maniraj, Advocate, S.R.No.10117

+1cc to the Government Pleader, S.R.No.11078

W.P.No.2697 of 2022
and
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KG (CO)
SU (11/03/2022)