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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2022

C O R A M

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

W.P.No.5385 of 2022

R.Kaliappan

...Petitioner

Vs

1. The District Collector,
Krishnagiri District.

2. The Block Development Officer,
Uthankarai Taluk,
Krishnagiri District - 636 902.

...Respondents

Prayer Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 2nd respondent to file a report as per the proceedings of the 1st respondent issued in Na.Ka.No.36376/2022/M3 dated 25.01.2022 and direct the 1st respondent to take action on the report filed by the 2nd respondent within the time frame fixed by this Court.

For Petitioner : Mr.K.C.Karl Marx

For Respondents: Mr.S.Ravikumar
Special Government Pleader

ORDER

This Writ Petition is filed seeking for a direction to the 2nd respondent to file a report as per the proceedings of the 1st respondent issued in Na.Ka.No.36376/2022/M3 dated 25.01.2022 and direct the 1st respondent to take action on the report filed by the 2nd respondent within the time frame fixed by this Court.

2.By consent of both the learned counsel appearing for the petitioner as well as Mr.S.Ravikumar, learned Special Government Pleader, who takes notice for the respondents, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, he is an agricultural labourer and mainly dependent on the 100 days of guaranteed wage employment provided by the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) for his livelihood. On 23.10.2021, at about 12.30 p.m, while he was working under the



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MGNREGA, one P.Saravanan, Panchayat Secretary of Katteri Panchayat attacked and abused the petitioner, due to which, the petitioner was admitted in the Government Hospital, Uthankarai and treated as in-patient. Mr.V.Govindasamy, Counselor of Uthankarai Panchayat Union enquired the petitioner and other workers who were present in the scene of occurrence and gave a complaint to the 2nd respondent to take action against the said Saravanan Panchayat Secretary, for manhandling the petitioner. The petitioner has also lodged a complaint in Uthankarai Police Station and the same was registered in Crime No.723/2021 under Section 294(b), 323 and 355 IPC and the said Saravanan, Panchayat Secretary was arrested and released on bail. The 2nd respondent by letter dated 10.12.2021, informed Mr.Govindasamy, Counselor of Uthankarai Panchayat Union that a report has been sent to the 1st respondent and action will be taken against the Panchayat Secretary as per rules. On 25.01.2022, the 1st respondent directed the 2nd respondent to conduct an enquiry and send the enquiry report along with the particulars of the criminal case records within one week. The 2nd respondent has not acted upon the direction of the 1st respondent. While so, the said Saravanan, Panchayat Secretary threatened the petitioner to withdraw the complaint. Hence, the petitioner has sent representations to the 1st respondent on 31.01.2022 and again on 14.02.2022. Since no action was taken on the representations of the petitioner, he has come out with the present Writ Petition.

4.From the above materials it is seen that, the 1st respondent by proceedings dated 25.01.2022, directed the 2nd respondent to conduct enquiry and send the report along with details of pendency of case in the Police station, however, the 2nd respondent has not conducted any enquiry as directed by the 1st respondent. Considering the above fact, the 2nd respondent is directed to conduct enquiry and send the report as directed by the 1st respondent by proceedings dated 25.01.2022 within a period of two (2) weeks from the date of receipt of a copy of this order. On receipt of the report from the 2nd respondent, the 1st respondent is directed to take further action based on the report of the 2nd respondent and complaint given by the petitioner.

5.With the above directions, the Writ Petition is allowed.
No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To:

1. The District Collector,
Krishnagiri District.

2. The Block Development Officer,
Uthankarai Taluk,
Krishnagiri District - 636 902.

+1cc to M/s.Karl Marx, Advocate, S.R.No.15680

+1cc to the Government Pleader, S.R.No.16681 (23/03/2022)

W.P.No.5385 of 2022

MG(CO)
RGA(11/03/2022)