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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.26297 of 2022

R.Rajendiran .. Petitioner

Vs

1.The Director,
Vigilance Anti-Corruption,
No.283, M.K.N.Road, Alandur,
Chennai.

2.The District Collector,
Mayiladuthurai District,
Mayiladuthurai.

3.The Superintendent of Police,
Mayiladuthurai District,
Mayiladuthurai.

4.M.Chozharajan

5.A.Senthilkumar

6.A.Kanagaraj

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7.B.Sivaprakasam

8.Sundararajan .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 to 3 to conduct a detailed enquiry on the representation dated 26.7.2022 made by the petitioner against the respondents 4 to 8 in accordance with law and file a report.

For the Petitioner : Mr.D.Sampathkumar

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondent Nos.1 to 3

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

Mr.R.Rajendiran, son of Rangasamy, a resident of Thaneer Pandhal, Aanaikaran Chathiram Post, Sirkazhi Taluk, Mayiladuthurai District, has filed the writ petition praying for issuance of a writ of mandamus directing respondents 1 to 3 to conduct a detailed

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enquiry on the representation dated 26.7.2022 made by the petitioner against respondents 4 to 8 in accordance with law and file a report.

2. It is the alleged by the petitioner that there is gross mal-administration and irregularity on the part of respondents 4 to 8 using their position, thereby misappropriating Panchayat funds. According to the petitioner, 6th respondent – A.Kanakaraj is the President of Aanaikara Chathiram Panchayat, Kollidam Panchayat Union; 5th respondent – A.Senthilkumar is the Secretary; and 7th respondent – Sivaprakasam is the Vice President of the said Aanaikaran Chathiram Panchayat. The 5th respondent was suspended temporarily due to violation of Panchayat Rules and during his suspension, respondents 4 to 8 colluding with each other misappropriated the public funds and had also involved in various irregularities.

3. It is stated that the petitioner has submitted a representation to respondents 1 to 3 to take action against

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respondents 4 to 8 for the mal-administration and misappropriation and based on the said representation, Thiru.T.Prathishkumar, Assistant Engineer, Kollidam Panchayat Union was appointed as an Enquiry Officer. After completion of the enquiry, the Enquiry Officer has submitted a report to the Block Development Officer, Kollidam Panchayat stating that respondents 4 to 8 misappropriated the Panchayat Union funds and had also withdrawn amounts using their capacity. Based on the enquiry report, the petitioner has submitted a representation on 26.7.2022 to respondents 1 to 3 for taking further action. Though respondents 1 to 3 received the said representation, no action has been taken on it till date. Therefore, the petitioner has come forward to file the present writ petition seeking a writ of mandamus directing the respondents 1 to 3 to conduct a detailed enquiry on the representation dated 26.7.2022 made against the respondents 4 to 8 and file a report.

4. Heard learned counsel for the parties and perused the records.

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5. As could be seen from the records, the petitioner has submitted a representation dated 26.7.2022 on the basis of the enquiry report dated 25.3.2022 submitted by the Enquiry Officer to the Block Development Officer, Killiam Panchayat Union. Since no action has been taken on the representation of the petitioner till date, he has approached this Court for direction. Admittedly, the receipt of the representation dated 26.7.2022 by respondents 1 to 3 has not been disputed. In such circumstances, it would be appropriate to direct the second respondent – District Collector to consider and pass orders on the representation of the petitioner dated 26.7.2022.

6. Without going into the merits of the claim made by the petitioner, we hereby direct the second respondent – District Collector, Mayiladuthurai to consider and pass orders on the representation of the petitioner dated 26.7.2022 on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, after hearing all concerned.

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7. With the above observation, the writ petition is disposed of. There will be no order as to costs.

(T.R., ACJ.) (D.K.K., J.)
29.09.2022

Index : Yes/No
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To:

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D.KRISHNAKUMAR, J.

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