



**W.P.(MD)No.15377 of 2022**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**WEB COPY**

**DATED: 18.07.2022**

**CORAM:**

**THE HONOURABLE MR.JUSTICE P.N.PRAKASH**

**AND**

**THE HONOURABLE Mrs. JUSTICE R.HEMALATHA**

**W.P.(MD)No.15377 of 2022**

**Palanichamy**

**: Petitioner**

**Vs.**

**1.The Director**

**Rural Development and Panchayatraj Department  
Panagal Building  
Jeenis Road, Saidapet  
Chennai 600 015.**

**2.The District Collector cum Inspector of Panchayats,  
Sivagangai District  
Sivagangai**

**3.The Block Development Officer (Village Panchayat)  
S.Pudur Panchayat Union,  
Singampunari Taluk  
Sivagangai District.**

**4.R.Selvam**

**: Respondents**

**PRAYER:** Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the 1<sup>st</sup> and 2<sup>nd</sup> respondents to take necessary action for committed misappropriation in



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the panchayat accounts, Mahatma Gandhi National Rural Employment guarantee scheme (MGNREGS) and Pradhan Mantry Gramin Awas Yojana (PMAY) scheme during the year 2016 to 2020 in Varappur Village Panchayat, S.Pudur Panchayat Union, Sivagangai District on the basis of petitioner's representations dated 10.02.2022 within a time frame that may be fixed by this Court.

|                 |                                                                        |
|-----------------|------------------------------------------------------------------------|
| For Petitioner  | : Mr.T.Vadivelan                                                       |
| For Respondents | : Mr.SRA.Ramachandran<br>for R1 to R3<br>Additional Government Pleader |

### **ORDER**

**(Order of the Court was made by P.N.PRAKASH, J.)**

Alleging that the fourth respondent has misappropriated some funds from the panchayat accounts in connection with MGNREGS and PMAY, the petitioner gave a representation dated 10.02.2022 and has thereafter filed the present public interest litigation for a direction to the respondents to dispose of the petitioner's representation.

2.Today, Mr.M.Jeyasurya, Zonal Deputy Block Development Officer (Zone – 1), Panchayat Union, S.Pudur Bock, Sivagangai District is present.

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3.This Court heard the learned counsel for the petitioner and perused the representation as well the averments in the affidavit of the petitioner in support of the prayer. We find that the petitioner has not made any specific allegation of misappropriation and has instead made vague allegations, based on which, a direction cannot be issued. That apart, even according to the petitioner, the allegation period relates to 2016 to 2020. In fact, as held by the Supreme Court in ***Secretary, Minor Irrigation v. Sahangoo Ram Arya [(2002) 5 SCC 521]***, a direction cannot be issued in order to find out if a person has committed an offence, as that would be in violation of Article 21 of the Constitution of India. In such view of the matter, we find no merit in this writ petition. Accordingly, the writ petition is dismissed. No costs.

**[P.N.P., J.] & [R.H., J.]**  
**18.07.2022**

Internet : Yes  
RR



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**P.N.PRAKASH, J**  
**AND**  
**R.HEMALATHA, J**  
**RR**

Order made in  
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