



W.P.(MD)No.14673 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2022

CORAM:

**THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA**

W.P.(MD)No.14673 of 2022

M.AjithKumar

: Petitioner

Vs.

1.The Director,
Rural Development and
Panchayat Raj Department,
Panagal Maligai, 4th & 5th floor,
Abdul Razzak St, Saidapet,
Chennai, Tamil Nadu – 600 015.

2.The Director,
Directorate of Vigilance
and Anti-Corruption (DVAC),
No.293, M.K.N. Road,
Alandur, Chennai – 600 016.

3.The Assistant Director,
(Panchayats), Rural Development
and Panchayat Raj Department,
Tenkasi, Tamil Nadu – 602 001.



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4.The District Collector,
Rail Nagar, Tenkasi,
Tamil Nadu – 627 811.

5.The Deputy Superintendent of Police,
Vigilance and Anti-Corruption Department,
Manikkam Nagar, Shanthi Nagar,
Tirunelveli, Tamil Nadu – 627 005.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 5 to pass orders on the letter dated 21.04.2021.

For Petitioner : Ms.Lita Srinivasan
For Respondents : Mr.P.Thilak Kumar
Government Pleader

O R D E R

[Order of the Court was made by P.N.PRAKASH, J.]

This is a Public Interest Litigation alleging that action should be taken against some of the officials in Perumalpatti Panchayat and also some individuals for putting up illegal constructions pursuant to the Perumalpatti Panchayat Resolution No.34 dated 23.02.2012, on the ground that the Panchayat has



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formed two layouts namely Gokul Nagar layout and Sri Nagar layout, without reserving 10% of the land for public purpose and for not bringing in the money in the accounts of the Panchayat. In paragraph Nos.7 & 8 of the petitioner's affidavit, it is stated as follows:

'7.I submit that the then District Collector of Tirunelveli District on 24/9/2016 vide a publication in a daily newspaper, Dinamalar, sought recovery proceedings against 8 Panchayat Presidents in Sankarankovil Panchayat Union and one among the 8 was Perumalpatti Panchayat.

8.I submit that the then Asst Director (Panchayat) Tirunelveli in his proceedings Na. Ka. No.A6/5363/2016 dated 17/10/2016 sought recovery of penalty of Rs.48,79,687/- (Forty eight lakhs, seventy nine thousand and six hundred and eighty seven Rupees) from the then President of the Perumalpatti Panchayat for granting illegal layout approval. The resolution No.29 dated 29/10/2012 passed by the Panchayat with R.Kalaichelvi as President granting layout approvals to 277 plots in SriNagar and 132 plots in Gokul Nagar without earmarking areas for public purpose and payment of statutory fees was set aside.'



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2.In paragraph No.17, the petitioner has made specific allegations against one Mr.K.Kandasamy, Block Development Officer, one Mr.Mohideen Bawa, Assistant Block Development Officer, and Mrs.K.Seeniammal, Panchayat Clerk. However, these people have not been shown as respondents in this writ petition. That apart, the resolution appears to have been passed in the year 2012 and we are now in the year 2022. As stated above, even according to the petitioner, some action has been taken by the authorities for recovery of Rs.48,79,687/-.

3.Today, Ms.C.Chandra, Block Development Officer, Sankarankovil Union, Tenkasi [Mobile No.7402608460], Mr.P.Thayanithi, Zonal Deputy Block Development Officer, Sankarankovil [Mobile No.7402908251] and Ms.J.Anitha, Inspector of Police, Vigilance and Anti-Corruption, Tenkasi [Mobile No. 9498195826] are present before this Court.

4.Learned Counsel for the petitioner submitted that very recently also some persons have constructed buildings without proper approval from the Panchayat.



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5.In this regard, learned Government Pleader appearing for the respondents, on instructions submitted that on the enquiry conducted by the officials, one Divya and one Janaki have put up constructions and action is taken in this regard.

6.Accordingly, we direct the respondents to proceed to take action against those who have put up constructions without proper approval in accordance with law, provided if there are no legal impediments.

7.Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

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

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Index : Yes/No

Internet : Yes/No

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and
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