



W.P.(MD)No.16266 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mrs. JUSTICE R.HEMALATHA

W.P.(MD)No.16266 of 2022

V.Udhayakumar

: Petitioner

Vs.

- 1.The Inspector of Panchayat/District Collector
Virudhunagar District,
Virudhunagar.
- 2.The Assistant Director (Panchayats)
Virudhunagar Collectorate,
Sattur Road
Virudhunagar,
Virudhunagar District
- 3.The Block Development Officer,
Narikudi Panchayat Union,
Narikudi
Virudhunagar District
- 4.The Andiyenthal Panchayat,
Represented by its President,
Andiyenthal Panchayat,
Thiruchuzhi Taluk
Virudhunagar District



W.P.(MD)No.16266 of 2022

5.K.Balamurugan

6.M.Mookaiya

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the entire records in relating to the impugned order of the 1st respondent made in Na.Ka.No.U.E.3/769/2020 dated 20.05.2022 and to quash the same as arbitrary and consequently to direct the 1st respondent to take appropriate action as against the misappropriation of the respondents 5 and 6 made in the 4th respondent Andiyenthal Panchayat, within the time limit that may be stipulated by this Court.

For Petitioner : Mr.M.S.Jeyakarthik

For Respondents : Mr.D.Sadiq Raja for R1 & R2
Additional Government Pleader

Mr.A.K.Manikkam for R3 & R4
Special Government Pleader

ORDER

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

The petitioner gave a representation dated 31.12.2020 alleging that there was misappropriation of funds in the Andiyenthal Panchayat from 2016 onwards and followed it up by filing a Public interest litigation in W.P.(MD) No.8102/2021, in which, this Court, by order, dated 20.04.2021, directed the District Collector, Virudhunagar, to examine the

2/6



W.P.(MD)No.16266 of 2022

complaint of the petitioner and pass necessary orders. Pursuant to the above, the District Collector ordered an enquiry and thereafter, a communication dated 20.05.2022 has been sent to the petitioner stating that enquiry conducted did not reveal any irregularities as alleged by the petitioner and that the complaint was a frivolous one. As regards allegations in connection with MGNREGA scheme, the communication states that social auditing is still going on. Aggrieved by the letter dated 20.05.2022, the petitioner has filed the present public interest litigation.

2. Today, Mr.R.Saheyu, Assistant, AD (Panchayat) Office, Virudhunagar District, Mr.R.Ravi, Zonal Deputy Tahsildar are present.

3. Mr.M.S.Jeyakarthik, learned counsel for the petitioner, laboured hard to take this Court to various details to show that disinfectants like bleaching powder, phenol, Dettol and lizol, equipment like rubber gloves are purchased without proper payment and without GST. He also submitted that there are records to show that there has been financial misappropriation in the panchayat. In our opinion, the petitioner is attempting to make a fishing enquiry in the name of public interest



W.P.(MD)No.16266 of 2022

litigation, in order to find out if anyone has committed an offence, which cannot be done in the light of the decision of the Supreme Court in ***Secretary, Minor Irrigation v. Sahangoo Ram Arya [(2002) 5 SCC 521.***

4. That apart, the learned Additional Government Pleader brought to the notice of this Court that this petitioner has been making allegations against the law officers of this Court for the legitimate fees, which they are getting from the authorities. In support of this, the learned Additional Government Pleader produced a communication from the State police, wherein, the petitioner has questioned the fees that was paid to the Additional Government Pleader of this Court. It is further seen that the petitioner is living in Namakkal and is questioning the affairs of the village mainly to harass the locals.

5. In such circumstances, we find no infirmity in the impugned communication dated 20.05.2022 warranting interference. Hence, this petition is dismissed with cost of Rs.10,000/- (Rupees ten thousand only) to be paid to the Manager, Rojavanam, Old age home and home for homeless poor, Uthangudi, Madurai District 625 023, within a period of



W.P.(MD)No.16266 of 2022

four weeks from today and file a memo/compliance in the Registry.

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[P.N.P., J.] & [R.H., J.]
26.07.2022

Index : Yes/No

Internet : Yes

RR

To

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Virudhunagar,
Virudhunagar District

3.The Block Development Officer,
Narikudi Panchayat Union,
Narikudi
Virudhunagar District

4.The Manager,
Rojavanam Old Age Home,
Uthangudi, Madurai,



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W.P.(MD)No.16266 of 2022

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

Order made in
W.P.(MD)No.16266 of 2022

26.07.2022