



W.P.(MD) No.14243 of 2015.

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2022

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.14243 of 2015
and
M.P.(MD) No.1 of 2015**

S.D.Gandhi

... Petitioner

/vs./

1.The District Collector/Inspector of Panchayat,
Tirunelveli District,
Tirunelveli.

2.The Block Development Officer (Village Panchayat),
Alangulam,
Tirunelveli District.

3.The Assistant Director (Panchayat),
Tirunelveli District,
Tirunelveli.

4.Gnanasundari

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the order impugned dated



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16.06.2015 passed by the 2nd Respondent and quash the same as illegal and consequently direct the 1st respondent to initiate appropriate legal proceedings as against the 4th Respondent for her involvement in the act of misappropriation and swindling Panchayat Funds in executing welfare measurement and development in and around Nallur Panchayat, Alangulam Circle, Tirunelveli District forthwith in pursuance of the petitioner's representation dated 18.05.2015.

For Petitioner : Mr.S.Palanivelayutham

For R1 to R3 : Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

This writ petition is challenging the impugned communication of the second respondent, wherein he had rejected the complaint of the petitioner.

2.Mr.S.Palanivelayutham, learned counsel for the petitioner would submit that the petitioner had made a complaint to the first respondent on 18.05.2015 alleging irregularities in granting contract work for a sum of Rs.10,40,274/-. According to the petitioner, the fourth respondent, who was the President of the Panchayat, along with the vice President had embezzled a sum of Rs.10,40,274/- on the pretext of carrying on some works. The said complaint was forwarded by



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the first respondent to the second respondent. The second respondent had rejected the said complaint recording reasons that 23 works have been permitted to be carried out by calling for tenders for a value of Rs.9,29,294/-. He would also categorically state that there was no mismanagement as alleged by the petitioner.

3.The learned counsel for the petitioner would further submit that the fourth respondent even without carrying on any work has embezzled the entire amount. He would further submit that the second respondent had no authority to reject the complaint of the petitioner, as the petitioner had made the complaint only to the first respondent herein. Therefore, he sought interference of the impugned communication and to direct the first respondent to enquire into the complaint of the petitioner and pass appropriate orders.

4.Countering his arguments, Mrs.D.Farjana Ghoushia, learned Special Government Pleader for the respondents 1 to 3 would submit that the second respondent has been authorized by the first respondent to enquire into the issue. The said complaint of the petitioner was given to the first respondent during the Public Grievances Day on 18.05.2015. She would also submit that prior sanction



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has been accorded to by the competent authority for the Panchayat to carry on the work by inviting tender.

5.I have considered the rival submissions made by the learned counsel on either side.

6.The complaint of the petitioner was dated 18.05.2015 stating that on 30.04.2015, the fourth respondent along with the vice President of the Panchayat had embezzled to the tune of Rs.10,40,274/-. The petitioner is also a Councilor for the Ward in the said Panchayat. The petitioner had submitted a complaint, which has been forwarded to the second respondent, who is the supervising authority of the Panchayat.

7.The second respondent in his communication in categorical terms has stated that the tender process has been initiated for a sum of Rs.9,29,294/- for carrying out 23 works, which were pre-approved by the competent authority. He had also stated that there was no mismanagement of the process in granting the works. The allegation that the works have not been completed is also not well



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WEB COPY founded for the reason that the decision to grant tender was only taken on 30.04.2015 and the completion of work in common paralawee is to take some time. Even before that, the petitioner had approached this Court. The said allegation would only be a cause of action to initiate different proceedings and therefore, in my considered view, there is no illegality or irregularity in the impugned communication issued by the second respondent.

8.In the result, the Writ Petition is dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
Internet : Yes / No
Index : Yes / No
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To

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3.The Assistant Director (Panchayat),
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