



W.P.(MD).No.22354 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.22354 of 2022

K.Ramesh
(Vice President)
E.Kottaipatti Panchayat,
Sedapatti Panchayat Union,
Madurai District.

... Petitioner

vs.

1. The District Collector/
Inspector of Panchayats,
Madurai District,
Madurai.
2. The Assistant Director (Panchayats),
Madurai District,
Madurai.
3. The Block Development Officer (V.P)
Sedapatti Panchayat Union,
Madurai District.
4. The President,
E.Kottaipatti Panchayat,
Sedapatti Panchayat Union,
Madurai District.



W.P.(MD).No.22354 of 2022

5. Muruganantham

... Respondents

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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first and second respondents to appoint an independent officer except the third respondent office and to conduct proper and fair enquiry on basis of the proceeding of the second respondent dated 20.06.2022 in Na.Ka.No.1535/2022/A2-1 and file a report and consequently directing the first and second respondents to take appropriate action against the third and fourth respondents for allowing the fifth respondent in functioning of E.Kottaipatti Panchayat within a time frame as fixed by this Court.

For Petitioner	: Mr.S.Sukumar
For R1 & R2	: Mr.N.Ramesh Arumugam Government Advocate
For R3 & R4	: Mr.A.Sivann Pandian
For R5	: Mr.S.Palpandi

ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus, directing the first and second respondents to appoint an independent officer except the third respondent and to conduct proper and fair



W.P.(MD).No.22354 of 2022

enquiry, on the basis of the proceeding of the second respondent dated 20.06.2022 in Na.Ka.No.1535/2022/A2-1 and file a report and consequently directing the first and second respondents to take appropriate action against the third and fourth respondents for allowing the fifth respondent in functioning of E.Kottaipatti Panchayat.

2. The case of the petitioner is that he has been selected as Vice President to E.Kottaipatti Panchayat and one Mrs.V.Nagalakshmi is continuing as President, who is the fourth respondent herein. Her husband viz., Muruganantham, the fifth respondent herein is working as a Supervisor in a TASMACH Shop at Madurai and he has intervened and take decisions in the place of the fourth respondent and gave instructions to the petitioner and other elected Members of the Panchayat. Thus, he is acting as a President of the Panchayat. Due to proxy activities in the place of the fourth respondent, there were so many irregularities done in E.Kottaipatti Panchayat and the village fund was misused by the fourth and fifth respondents. Since the same was questioned by the petitioner, the fifth respondent made a false complaint before the first and second



W.P.(MD).No.22354 of 2022

respondents stating that the petitioner had not co-operate with the Panchayat activities.

3. Based on the said complaint, a show cause notice was issued and after getting explanation, the first respondent vide his proceedings dated 14.07.2021, passed an order to sign for a temporary period of six months in the Panchayat cheque by the fourth respondent alone. Challenging the same, the petitioner has filed a writ petition in W.P. (MD).No.15087 of 2021 and the same was dismissed on 04.01.2022 and the following direction was also issued to the third respondent.

6.A direction is straight away issued to the third respondent to immediately ensure that the husband of the fourth respondent does not interfere with the functioning of E.Kottaipatti Panchayat and in this connection, let the fourth respondent also give an undertaking letter to the third respondent, which letter, the third respondent may forward to the first respondent stating that she would ensure that her husband does not interfere with her official work or with the functioning of E.Kottaipatti Panchayat. A similar undertaking letter may also be given by the husband of the fourth respondent that he would not interfere with the



W.P.(MD).No.22354 of 2022

WEB COPY

functioning of E.Kottaipatti Panchayat. This direction though might be appear to be slightly out of the scope of the present writ petition, is required in order to maintain decorum and dignity of the fourth respondent, who has been actually elected by the general public to act as their President.

4. Subsequent to the order, the first respondent vide order dated 28.02.2022, considered the request of the petitioner and restored the cheque signing power to the petitioner in E.Kottaipatti Panchayat. From the date of restoration of cheque signing power, there is no pending cheque for the petitioner's signature. Though the respondents 4 and 5 given an undertaking, till date the fifth respondent intervening in the Panchayat activities. Hence, the petitioner has made a representation to the respondents 1 and 2 to take action against the 5th respondent. The second respondent vide proceedings dated 20.06.2022, directed the third respondent to conduct an enquiry and to file a report within a week from then. But the third respondent has not conducted any proper enquiry, on the basis of the petitioner's complaint, dated 08.06.2022. Hence, the



W.P.(MD).No.22354 of 2022

petitioner has approached this Court seeking direction to the respondents 1 and 2 to appoint an independent officer and to conduct proper and fair enquiry, on the basis of the proceedings of the second respondent, dated 20.06.2022 and file a report and to take appropriate action against the respondents 3 and 4 for allowing the fifth respondent in functioning of E.Kottaipatti Panchayat.

5. This Court already directed the learned Government Advocate to get instructions from the authorities concerned. Accordingly, the Inspector of Panchayat / the District Collector has passed an order on 26.09.2022 in Na.Ka.No.A2U/E.(OO)/1535/2022, wherein after mentioning the allegations, in the place of the third respondent, one Mr.M.Gandhiraja, Assistant Scheme Officer (Wages and Employment), who is working as Zonal Officer in District Rural Development Agency (DRDA), Madurai was appointed as an enquiry officer and he was directed to submit a report within a time frame.



W.P.(MD).No.22354 of 2022

WEB COPY

6. Considering the above said submissions, this Court directs the said enquiry officer to conduct an enquiry and forward a report to the Assistant Director (Panchayats), Madurai District, Madurai, the second respondent herein within a period of sixteen weeks from the date of receipt of a copy of this order. Based on the said report, further actions to be taken by the authorities concerned.

7. With the above directions, this Writ Petition is disposed of. No costs.

27.09.2022

Index:Yes/No
Internet:Yes/No

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To

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Inspector of Panchayats,
Madurai District,
Madurai.

7/9



W.P.(MD).No.22354 of 2022

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W.P.(MD).No.22354 of 2022

V.BHAVANI SUBBAROYAN,J.

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W.P(MD)No.22354 of 2022

27.09.2022