



W.P.(MD)No.28062 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.28062 of 2022

Selvi

... Petitioner

Vs.

1. The District Collector,
Collectorate,
Sivagangai District,
Sivagangai.
2. The Assistant Director,
Village Panchayat,
Sivagangai District,
Sivagangai.
3. Mr.Arokiam,
Panchayat Secretary (In-Charge)
M.Vaniyangudi Panchayat,
Kalayarkovil Taluk,
Sivagangai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus, directing the 2nd respondent to



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consider the complaint and take action against the 3rd respondent based on the complaint given by the petitioner dated 28.11.2022.

For Petitioner : Mr. N.Jeyaram Sidharth
For Respondents : Mr. G.V.Vairam Santhosh
Additional Government Pleader

ORDER

This Writ Petition has been filed for a direction to the 2nd respondent to consider the complaint given by the petitioner on 28.11.2022 and take action against the 3rd respondent.

2. The learned counsel appearing for the petitioner submits that the petitioner is the elected member of 6th Ward in Muthur Vaaniyangudi Panchayat where the third respondent is in-charge of the Panchayat Secretary. While so, on 25.11.2022, the Village President has conducted an urgent meeting with the support of the third respondent and during that time, the petitioner used her mobile phone for her convenient record. The third respondent had snatched her mobile phone in an aggressive manner



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and threatened that the information regarding the meeting should not be leaked out. The petitioner, being a woman, was harassed by the third respondent. In this regard, she gave a complaint to the 1st respondent on 28.11.2022 and the same was forwarded to the second respondent to take action against him. However, till date, no action has been taken. Hence, the present writ petition has been filed.

3. The learned Additional Government Pleader appearing for the respondents would submit that for taking action against the third respondent, the Village President is the competent authority in terms of Section 84(b) of the Tamil Nadu Panchayats Act. Without making any complaint before the Village President, filing the present writ petition before this Court is not sustainable one.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.



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5. Since the third respondent is working as in-charge of the Panchayat Secretary, as rightly pointed out by the learned Additional Government Pleader appearing for the respondents, for taking action against the third respondent, the power is available only with the Executive Authority, namely the Village President. Hence, this Court permits the petitioner to make a complaint before the Village President within a period of two weeks from the date of receipt of a copy of this order. If any complaint is made, the Village President is directed to consider the same and pass appropriate orders within a period of six weeks thereafter.

6. Accordingly, this Writ Petition is disposed of. No costs.

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Index : Yes / No

Speaking Order : Yes / No

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M.DHANDAPANI,J.

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