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W.P.No.2485 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No. 2485 of 2023

R.Sudhakar

.. Petitioner

Versus

1.The District Collector
Office of the Collectorate
Ranipet District – 632 401

2.Sasikala

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation dated 16.12.2022 and to invoke S.206 of TN Panchayat Act, 1994 and remove the second respondent as Vice-President/Co-signatory.

For Petitioner : Mr.K.Venkatasuban

For Respondent : Mr.Karthik Jeganath
Government Advocate

ORDER

This Petition has been filed seeking to direct the first respondent to consider the petitioner's representation dated 16.12.2022 and to invoke S.206 of TN Panchayat Act, 1994 and remove the second respondent as



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Vice-President/Co-signatory.

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2. The main grievance of the writ petitioner is that the second respondent being the Vice President committed misappropriation of funds and the same is also unearthed in the inspection conducted by the Block Development Officer, Arcot. The learned counsel for the petitioner also brought to the notice of this Court with regard to the findings recorded by the BDO, Arcot.

3. On perusal of the above report, this Court is of the opinion that the alleged findings with regard to misappropriation is not recorded, what has been recorded is that certain ledger is not fully completed and instructions is given not to write the incomplete ledger; except this, nothing is recorded as alleged by the petitioner. Merely being a member, the petitioner, as a matter of right, cannot seek directions to initiate powers under Section 206 of Tamil Nadu Panchayat Act, 1994. Such power can be exercised by the District Collector/first respondent either by suo moto or by a Resolution passed by 2/3rd majority of the concerned local body. Without that being done so, there cannot be any automatic directions.



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4. Such view of the matter, the petitioner's relief cannot be granted, hence, this petition is liable to be dismissed. However, it is well open to the Collector to conduct independent enquiry and take action as per law.

5. With the above directions, this writ petition stands dismissed. No costs.

01.02.2023

dhk

Index : Yes / No

Speaking Order : Yes / No

To

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N.SATHISH KUMAR, J.

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