



W.P.No.2607 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No. 2607 of 2023

Kaliyannan

.. Petitioner

Versus

1.The Inspector of Panchayats/
The District Collector
Namakkal District

2.The Block Development Officer (VP)
Elachipalayam Panchayat Union
Namakkal District

3.K.Yuvarani

.. 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 initiate appropriate action on the complaint dated 27.08.2022, given by the petitioner and 5 other ward members.

For Petitioner : Mr.E.P.Senniyangiri

For Respondents : Mrs.R.Anith for R1
Special Government Pleader

Mr.K.Karthikeyan for R2 and R3
Government Advocate



W.P.No.2607 of 2023

ORDER

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2. The main grievance of the writ petitioner is that he is the ward member of the Elachipalayam Panchayat Union and there are serious of disputes between the ward members and the third respondent. Despite, the complaint given to the official respondents, no action has been taken. Hence, this writ petition.

3. Heard both sides and perused the materials placed on record. This Court is of the view that merely being a member, the petitioner, as a matter of right, cannot seek directions to initiate action under Sections 205 or 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.



W.P.No.2607 of 2023

WEB COPY

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.

02.02.2023

dhk

Index : Yes / No

Speaking Order : Yes / No

To

1.The Inspector of Panchayats/
The District Collector
Namakkal District

2.The Block Development Officer (VP)
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Namakkal District



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W.P.No.2607 of 2023

N.SATHISH KUMAR, J.

dhk

W.P.No.2607 of 2023

02.02.2023