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W.P.No.9475 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.9475 of 2023

S.Ganapathi
Vice President
Vengal Village Panchayat
894 Ottarpalayam Street
Vengal Village
Thiruvallur District and Taluk
Vengal 601 103.

... Petitioner

-Vs-

1. The Secretary to Government
Rural Development and Panchayat Raj
Department
Fort St.George , Chennai 600 009.
2. The Director of Rural Development
and Panchayat Raj
Panagal Building
Saidapet, Chennai 15
3. The District collector
Thiruvallur District
Thiruvallur 602 001.
4. The Assistant Director (Vill age Panchayat)
District Collectorate Complex
Thiruvallur District
Thiruvallur - 602 001 .



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5. The Block Development Officer
Village Panchayat
Ellapuram Panchayat Union
Ellapuram 601 102
Thiruvallur District.

6. M/s. Win Wind Power Energy Pvt. Ltd.
Rep. by its Managing Director
Vengal Village 601 103
Thiruvallur Taluk and District

7. The President / Executive Authority
Vengal Village Panchayat
Vengal 601 103
Thiruvallur Taluk and District.

8. M/s. Agniti Industrial Parks
Private Limited
Rep. by its Managing Director
121/3 TTK Road
Alwarpet
Chennai 600018.

.. Respondents

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 3rd respondent herein to consider and pass appropriate orders on the petitioner representation dated 15.12.2022 wherein the petitioner requested the 3rd respondent herein to take appropriate action against the 7th respondent herein under Section 205 of the Tamil Nadu Panchayat Act and the rules made thereunder by providing an opportunity of hearing to the petitioner herein and other parties herein.



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For Petitioner Mr.Thirumavalavan

For Respondents Mrs.S.Mythreye Chandru
Special Government Pleader
for R1, R2, R3 and R4
Mr.A.M.Ayyathurai
Government for R5, R7

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the third respondent to consider the representation made by the petitioner on 15.12.2022, wherein the petitioner has sought for taking action against the President of the Village Panchayat viz., the 7th respondent u/s 205 of the Tamil Nadu Panchayat Act (for brevity 'the Act').

2.The petitioner is the Vice President of the Panchayat and according to him there is a huge arrears of property tax payable by the 6th and 8th respondents. The 7th respondent is not taking any steps to recover the property tax and as a result, the Village Panchayat is deprived of revenue. In view of the same, the petitioner gave a complaint before the 3rd respondent to take action against the 7th respondent u/s 205 of the Act. Since the same was not considered, the present writ petition has been filed



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before this Court.

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3.The learned counsel appearing on behalf of the 7th respondent submitted that the allegation made by the petitioner is incorrect and he contended that the 7th respondent has taken all the steps to recover the property tax from the private Companies. The written instructions received from the 7th respondent was also placed before this Court.

4.In the considered view of this Court, the concerned authority to take action u/s 205 of the Act, is only the District Collector. Therefore, the 7th respondent has to give this explanation only before the 3rd respondent. This Court does not want to go into the merits of the case and it will suffice if a direction is given to the 3rd respondent to deal with the representation made by the petitioner on its own merits and in accordance with law.

5.In the result, this writ petition is disposed of with a direction to the 3rd respondent to deal with the representation made by the petitioner on 15.12.2022, on its own merits and in accordance with law. The 3rd respondent shall take into account the explanation given by the 7th respondent and thereafter take a decision. This exercise shall be completed by the 3rd respondent within a period of **eight weeks** from the date



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of receipt of copy of this order.

6. This writ petition is disposed of with the above directions. No costs.

19.04.2023

KP

Internet : Yes/No

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1. The Secretary to Government
Rural Development and Panchayat Raj
Department, Fort St. George, Chennai 600 009.
2. The Director of Rural Development
and Panchayat Raj
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3. The District collector
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4. The Assistant Director (Village Panchayat)
District Collectorate Complex
Thiruvallur District, Thiruvallur - 602 001 .
5. The Block Development Officer
Village Panchayat
Ellapuram Panchayat Union
Ellapuram 601 102, Thiruvallur District.
6. The President / Executive Authority
Vengal Village Panchayat



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Thiruvallur Taluk and District.

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N.ANAND VENKATESH, J.

KP

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