



W.P.No.23035 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.01.2023**

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.23035 of 2016 and
W.M.P.No.19752 of 2016

M.Muthukumaran

.. Petitioner

Vs.

1. The Secretary to Government,
Rural Development Department,
Fort St.George, Chennai - 600 009.

2. The Collector,
Thiruvarur District.

3. Vedanayagi Singaravelu

.. Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus calling for the records connected with the Government Order issued in G.O.(D) No.263, Rural Development and Panchayat Raj (PR-4) Department, dated 24.06.2016, passed by the 1st respondent and quash the same and consequently direct the 1st respondent to take appropriate action against the 3rd respondent under Section 207 the Tamil Nadu Panchayats Act 1994 which was already recommended by the 2nd respondent issued in his proceedings



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Na.Ka.No.6444/2014/A1 (Development) dated 17.11.2015.

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For Petitioner : Mr.S.Ilamvaladhi

For Respondents 1 & 2 : Mr.K.M.D.Muhilan
Additional Government Pleader

ORDER

Seeking a direction to take action against the Chairman of the Town Panchayat on proved illegalities, the present writ petition has been filed.

2. The grievance of the writ petitioner is that in respect of certain irregularities committed in the Panchayat, a Committee has been constituted consisting of Executive Engineer, Assistant Director (Panchayat) and Assistant Director (Audit) and the said Committee has given a finding holding that 5 charges have been proved against the Chairman and other members. However, no action has been taken. Therefore, the present writ petition has been filed.

3. The learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that enquiry report has been submitted to the Government and the Government has passed an order in G.O.(D)



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No.263, Rural Development and Panchayat Raj (PR-4) Department, dated 24.06.2016, holding that except charge No.4 all other charges are not made out. Charge No.4 is with regard to non-disclosure of the assets of the Chairman and Vice Chairman during their tenure and other charges of alleged irregularities and financial impropriety has been dropped by the Government.

4. Now the grievance of the petitioner is that despite such order no action has been taken.

5. The learned Additional Government Pleader appearing for the respondents would submit that as the charge relates to non-disclosure of the assets by the Chairman at the relevant point of time and as the tenure of the Chairman and Vice Chairman is over, no action has been taken. The said submission made by the learned Additional Government Pleader is recorded.

6. Since the only charge of non-disclosure of their assets has been proved and the concerned persons are also not in-charge of the Panchayat and their tenure is already over action could not be now be initiated based on that finding. Such view of the matter, this Court is of the view that the writ



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petition has become infructuous and accordingly this writ petition is dismissed as become infructuous. Consequently, the connected miscellaneous petition is closed. No costs.

25.01.2023

Index : Yes / No
Neutral Citation : Yes / No
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To

1. The Secretary to Government,
Rural Development Department,
Fort St.George, Chennai - 600 009.
2. The Collector,
Thiruvavarur District.



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N.SATHISH KUMAR, J.

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