



Writ Petition No.18295 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.18295 of 2023

P.Venkatesan
S/o.Ponniyan

...Petitioner

Vs

- 1.The District Collector/Inspector of Panchayat,
Thiruvallur.
- 2.The Assistant Director of Panchayat,
Thiruvallur.
- 3.The Block Development Officer,
Kadambathur Panchayat Union,
Thiruvallur District.
- 4.The Revenue Divisional Officer,
Thiruvallur.
- 5.The Village Administrative Officer,
Thodukadu Village,
Thiruvallur Taluk and District.
- 6.K.C.Munusamy
S/o.Sengalvarayan
- 7.Y.Priyanka
W/o.Yuvaraj



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8.Komathi
W/o.Ponnan

9.M.Rani
W/o.Mohan

10.R.Yuvaraj
S/o.Radhakrishnan

11.R.Mariyammal
W/o.Rajendirean

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 30.05.2023 and to take necessary action against the respondents 6 to 11 for disqualification of the member of ward in petitioner's Todukadu Panchayat as per provision of Section 38(J) and 41(1) of the Tamil Nadu Panchayat Act and Rules, 1994.

For Petitioner : Mr.V.S.Suresh

For Respondents : Mr.A.M.Ayyathurai
Government Advocate [R1, R2, R4 & R5]
Mrs.S.Mythreye Chandru
Special Government Pleader [R3]

ORDER

The President of Todukadu Panchayat belonging to Kadampathur Panchayat Union has filed this writ petition for a direction to the official



respondents to consider the representation made by the petitioner on 30.05.2023 wherein the petitioner has sought for taking action against respondents 6 to 11, who are members of the ward in the said Panchayat, as per the provisions of the Tamil Nadu Panchayat Act, 1994.

2. Heard Mr.V.S.Suresh, learned counsel for petitioner, Mr.A.M.Ayyathurai, learned Government Advocate appearing for respondents 1, 2, 4 & 5 and Mrs.S.Mythreye Chandru, learned Special Government Pleader appearing for the third respondent.

3. The main grievance that was expressed by the petitioner is that respondents 6 to 11 are ward members of the Panchayat and that they are not co-operating with the President and they have not attended the council meeting for nearly nine occasions. The petitioner, therefore, made a representation to the first respondent for initiating steps against respondents 6 to 11 u/s.38(J) and 41(1) of the Tamil Nadu Panchayat Act, 1994, for disqualification of those ward members. Since the representation was not acted upon, the present writ petition has been filed before this Court seeking for appropriate directions.



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4. Taking into consideration the facts and circumstances of the case and considering the nature of grievance that has been expressed by the President of the Panchayat and to ensure the smooth and proper functioning of the Panchayat, there shall be a direction to the first respondent to deal with the representation dated 30.05.2023 on its own merits and in accordance with law after affording an opportunity to respondents 6 to 11. The first respondent shall take a final decision on the representation made by the petitioner within a period of four (4) weeks from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction. No costs.

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Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm



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N.ANAND VENKATESH, J

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