



W.P.No.26125 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.26125 of 2023

and

WMP.No.25518 of 2023

S.Gunasekaran.

...Petitioner

Vs.

1.The District Collector,
Salem District,
Salem.

2.The Assistant Director of Panchayats,
Collector Campus,
Salem – 01.

3.The Block Development Officer,
Attur Panchayat Union,
Attur, Salem District.

4.The Deputy Superintendent of Police,
District Vigilance of Anti-Corruption,
Salem District, Salem.

5.Kalaiselvi,
President,
Paithur Panchayat,
Attur Taluk, Salem District.

...Respondents



W.P.No.26125 of 2023

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to take action against the Panchayat President namely S.Kalaiselvi, Paithur Panchayat, Attur Taluk Union, Salem District, by invoking the provisions under the Tamilnadu Panchayat Act for committing misappropriation, falsification of accounts and various irregularities as shown in the internal audit report in Na.Ka.No.959/A1/2022 dated 05.09.2022 and based on the representation dated 23.12.2022.

For Petitioner : Mr.M.G.Ramachandiran
for Ms.S.Vinodha

For Respondents : Mr.K.Tippu Sulthan,
for R1 & R3
Government Advocate

Mr.J.Subbaiah for R4
Government Advocate (Crl.Side)

ORDER

The petitioner herein seeks a direction to the respondents 1 to 4 to take action against the President of Paithur Panchayat, Attur Taluk Union, Salem District, based on the representation submitted by him on 23.12.2022.



W.P.No.26125 of 2023

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2. According to the petitioner, he is a resident of Paithur Panchayat and he submitted a representation to the first respondent making certain allegations against the President of the Panchayat. The allegations made by the petitioner was based on Audit Report submitted by the second respondent on 05.09.2022.

3. Mr.K.Tippu Sulthan, learned Government Advocate takes notice for the respondents 1 to 3 and Mr.J.Subbaiah, learned Government Advocate (Criminal Side) takes notice for the fourth respondent.

4. The main grievance of the petitioner is that, even though he submitted a representation to the Inspector of Panchayat namely, first respondent on 23.12.2022 making certain allegations of financial irregularities against the President of the Panchayat based on the Audit Report, till date, the same has not been considered by the first respondent.

5. Though the petitioner sought for a positive direction to take action against the President based on his representation, this Court is not



W.P.No.26125 of 2023

inclined to issue a positive direction without any enquiry. In such circumstances, this Court is inclined to issue a direction to the first respondent to consider the representation of the petitioner dated 23.12.2022 and pass final orders on merits and in accordance with law, after issuing notice to the fifth respondent within a period of 8 weeks from the date of receipt of copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

07.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
dna



W.P.No.26125 of 2023

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W.P.No.26125 of 2023

S.SOUNTHAR, J.
dna

W.P No.26125 of 2023
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WMP.No.25518 of 2023

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W.P.No.26125 of 2023