



W.P.No.28430 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.28430 of 2023

N.Mahalingam

...Petitioner

Vs.

- 1.The District Collector/Inspector of Village Panchayat
Nagapattinam District
Nagapattinam.
- 2.The Additional Collector
District Rural Development Agency
Nagapattinam.
- 3.The Assistant Director (Panchayat)
Nagapattinam District
Nagapattinam.
- 4.The Assistant Director (Audit)
Nagapattinam District
Nagapattinam.
- 5.The Block Development Officer (Village Panchayat)
Killaiyur
Nagapattinam District.



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6.The Tahsilda
Kilvelur
Nagapattinam District.

7.The Village Secretary
Vizhundhamavadi Village Panchayat
Vizhundhamavadi
Nagapattinam District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to pass appropriate orders based on the petitioner's representations dated 24.08.2023 and 05.9.2023 to permit the petitioner to take charge as President of Vizhundhamavadi Village Panchayat.

For Petitioner : Mr.R.Srinivas
Senior Counsel
Mr.S.Sithirai Anandam

For Respondents : Mr.S.Anitha for R1 to R4 & R6
Special Government Pleader
Mr.C.Harsharaj for R5 & R7
Additional Government Pleader

ORDER

This Writ Petition is filed seeking a direction to the first respondent to pass appropriate orders based on the representation dated



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24.08.2023, 05.09.2023 and to permit the petitioner to take charge as President of Vizhundhamavadi Village Panchayat.

2. It is the case of the petitioner that he is an elected President of the Vizhundhamavadi Village Panchayat, Nagapattinam District and he was arrested in connection with Crime No.131 of 2023 on the file of the Inspector of Police, N1 Royapuram Police Station, Chennai, on 09.05.2023.

3. In view of the same, action was taken under Section 47 of the Tamil Nadu Panchayats Act and Vice President of the Panchayat was directed to assume the charges as President of the Panchayat. Subsequently, by virtue of the orders passed by this Court in CrI.M.P.No.14303 of 2023, the petitioner came out on bail on 18.08.2023. Therefore, he is available in the Village for discharging his functions as the President of the Panchayat.

4. The petitioner submitted a representation to the first respondent on 05.09.2023 requesting him to permit the petitioner to take over the function of the President of the Panchayat. The said representation has not been considered till date. Therefore, the petitioner is before this Court.



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5. Mrs.S.Anitha, learned Special Government Pleader takes notice for the respondents 1 to 4 & 6 and Mr.C.Harsharaj, learned Additional Government Pleader takes notice for the respondents 5 & 7.

6. Though the petitioner sought for a direction to permit him to take over the President of Vizhundhamavadi Village Panchayat, based on his representation, this Court is not inclined to issue such a positive direction. However, in view of the fact that the petitioner already submitted a representation to the first respondent seeking his permission to take over the function of the President of the Panchayat, without expressing any opinion on the merits of the claim made by the petitioner, this Court is inclined to issue a direction to the first respondent to consider the representation of the petitioner dated 05.09.2023 and pass orders on merits in accordance with law within a period of four weeks from the date of receipt of copy of this order.



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7. With the above direction, this Writ Petition is disposed of. No costs.

27.09.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation Case : Yes/No
dna

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