



W.P. No. 30788 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 30788 of 2023

and

W.M.P. Nos. 30461 and 30464 of 2023

M.Ramachandran

... Petitioner

-VS-

1. The District Collector
Ranipet District, Ranipet.
2. The Project Director
Ranipet District, Ranipet.
3. The Assistant Director of Panchayat
Ranipet District, Ranipet.
4. The Block Development Officer
Arakkonam, Ranipet District.
5. Itchiputhur Village Panchayat
Rep. By its President
Itchiputhur Village
Arakkonam Taluk
Ranipet District.
6. Padmanaban
President
Itchiputhur Village Panchayat
Itchiputhur Village
Arakkonam Taluk
Ranipet District.
7. Ibrahim
Panchayat Secretary,
Itchiputhur Village Panchayat,



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Itchiputhur Village,
Arakkonam Taluk,
Ranipet District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 31.08.2023 made in Na.Ka.No.A3/1331/2023 passed by the First Respondent, quash the same and consequently direct the First to Fourth Respondents to initiate stern action including criminal prosecution against the Sixth and Seventh Respondents for committing corrupt activities to misappropriate the Panchayat funds of Rs.4 crores from 01.04.2022 to 10.07.2023 by considering the Petitioner's complaint dated 10.04.2023.

For Petitioner : Mr. T.Mohan
Senior Counsel
for Mr. P.Krishnan

For Respondents : Mr. U.Baranidharan,
Additional Government Pleader
(for R1 to R3)

Mr. T.Chandrasekaran (for R4)

ORDER

Heard Mr. T.Mohan, Learned Senior Counsel for Mr. P.Krishnan, Learned Counsel for the Petitioner and Mr. U.Baranidharan, Learned Additional Government Pleader appearing for the First to Third Respondents and Mr. T.Chandrasekaran, Learned Counsel appearing for the Fourth



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Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner claims to be the elected member of Ward No. 7 of Itchiputhur Village Panchayat having a population of 8,000 people and had sent representations about the illegalities and corrupt activities of the Sixth and Seventh Respondents, who are the President and the Secretary of that village panchayat. This Court by order dated 08.06.2023 disposed the Writ Petition in W.P. No. 17041 of 2023 earlier filed by the Petitioner in that regard holding as follows :-

“3. Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner specifically pointing out 12 occasions where the misappropriation had taken place, there shall be a direction to the 2 nd respondent to deal with the complaint and act as per the submission made before this Court within a period of four weeks from the date of receipt of copy of this order. In the event of an adverse report being received, it shall be acted upon immediately by the 1 st respondent. Considering the nature of allegation, the 4 th and 5 th respondents shall utilise the funds of the Panchayat after



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getting the concurrence from the BDO, Arakkonam. A copy of

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this order shall also be marked to the BDO, Arakkonam.”

As the First Respondent had merely reproduced the reports of the Fifth Respondent without any factual verification in his Proceedings in Na.Ka.No. A3/1331/2023 dated 31.08.2023 in furtherance to the aforesaid order, the same has been assailed in this Writ Petition seeking consequential directions.

3. This Court during the earlier hearing on 31.10.2023 had passed the following self-explanatory order:-

“2. Learned Senior Counsel appearing for the Petitioner contends that the First Respondent in his Proceedings No. Na. Ka. A3/1331/2023 dated 31.08.2023 has merely mentioned that the amounts spent have been authorized by the Village Panchayat, but there is nothing to show that the actual works have been carried out in strict compliance of the directions in the order dated 08.06.2023 in W.P. No. 17041 of 2023 passed by the Court.

3. In such circumstances, the First Respondent, either himself or through officials duly authorized by him, shall conduct necessary inspection to verify whether the amounts said



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to have been spent from funds of the Village Panchayat are supported by proof of work having been carried out, which shall be fully video-graphed for which the Petitioner shall bear the costs.

4. The report of such inspection shall be submitted before the Court on the next hearing.”

Subsequently, when the matter came up for hearing on 01.12.2023, this Court had passed the following order:-

“ In furtherance to the order dated 30.10.2023 passed by the Court, Learned Counsel appearing for the First to Third Respondents has filed a memo dated 29.11.2023, which reads as follows:-

“3. It is submitted that pursuant to the order of this Hon'ble Court the 1st Respondent by proceedings dated 21.11.2023, formed a 7 member committee to conduct a detailed enquiry and inspection regarding the allegations made against the 6th and 7th Respondents. It is further submitted that the 1st Respondent has also directed to video-graph the works (at the cost of the Petitioner) that has been completed as proof and submit a report by



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27.11.2023.

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4. *It is submitted that the constitution of the committee is as follows:-*

S. No.	Name and Designation
1.	<i>V.Krishnamoorthy-District Secretary, Ranipet.</i>
2.	<i>K.Prabakaran-Block Development Officer, Nemili.</i>
3.	<i>M.Sevandhi-Assistant Engineer, Solingar.</i>
4.	<i>S.S.Ramalingam-Deputy BDO (Audit), Nemili.</i>
5.	<i>R.Bismila-(Audit), Sholinghur.</i>
6.	<i>J.Tamilselvi-Overseer, Kaveripakkam.</i>
7.	<i>K.Selvavinayagam – Deputy BDO (Audit), Kaveripakkam.</i>

5. *It is humbly that the committee is still conducting field inspection and a further period of 2 weeks may be granted for completing the inspection, enquiry and for submission of the report before this Hon'ble Court.”*

The First Respondent in the report dated 22.12.2023 has stated that inspection was carried out by the Assistant Engineer, Union Overseer, Zonal Deputy Block Development (Zone-1) in the presence of the Panchayat Vice-President, Itchiputhur Panchayat, Ward Members and general public on 14.12.2023, 16.12.2023 and 17.12.2023, when it was found that all the 43 works mentioned therein have been completed and they are used for public purpose now. A compact disk of the video-graph of the said inspection conducted has been



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supplied on 21.12.2023 to the Learned Counsel for the Petitioner in proof of the same.

4. Though Learned Counsel for the Petitioner still disputes the correctness of the said enquiry, it evidently falls under the realm of disputed questions of fact, which cannot be effectively determined in the summary procedure followed under Article 226 of the Constitution.

5. In such circumstances, nothing remains for further consideration in the Writ Petition, but it would not preclude the Petitioner, if he still has any further grievance, from working out his remedies before proper forum in the manner recognized by law.

In the result, the Writ Petition is dismissed with the aforesaid observations. Consequently, the connected Miscellaneous Petitions are closed.
No costs.

22.12.2023

Index: Yes/No
NCC: Yes/No

Note: Issue order copy by 14.02.2024.



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P.D. AUDIKESAVALU, J.

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