



W.P.No.7101 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.7101 of 2017

V.Ganesan

... Petitioner

Versus

1. The District Collector,
Office of the District Collector,
Nagapattinam,
Nagapattinam District.

2. The Tahsildhar,
Office of the Tahsildar,
Vedaranyam,
Vedaranyam Taluk,
Nagapattinam District.

3. The Block Development Officer,
(Panchayat Union),
Office of the Block Development Office,
Vedaranyam,
Vedaranyam Taluk,
Nagapattinam District.

4. Chitra

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari Mandamus, calling upon the production of the records of the 1st respondent in proceeding Na.Ka.No.286 /A6 /2016 / Vu.E (Vuu), dated 02.09.2016 quash the same and issue a consequential direction directing the 1st respondent to conduct fresh enquiry and also to take action against the 4th respondent within stipulated time may be fixed by this Honourable Court.

For Petitioner : Mr.R.Murugabharathi

For Respondents : Mr. S.Rajesh, GA RR1 to 3
Mr.LN.V.Kasinatha Bharathi R4

ORDER

This petition has been filed challenging the proceedings of the 1st respondent in Na.Ka.No.286 /A6 /2016 / Vu.E (Vuu), dated 02.09.2016 and to direct the 1st respondent to conduct fresh enquiry and also to take action against the 4th respondent.

2. The case of the petitioner is that the 4th respondent was elected as Panchayat Board President in the year 2011. According to the petitioner, after



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elected, the 4th respondent was committed misappropriation of the said panchayat amount by way of the allotting the panchayat work in favour of her father. Therefore, on the earlier occasion, the petitioner filed W.P.No.14346 of 2016 before this Court and this Court, vide its order dated 20.04.2016, directed the first respondent therein to enquire into the complaint made by the petitioner. Pursuant to which, the first respondent has appointed an enquiry officer in this regard and the enquiry officer conducted enquiry and passed the impugned order dated 02.09.2016. Challenging the same, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that the President misappropriated the public funds by way of the above contract work. But the first respondent did not apply the provisions of law and rules and hence, the impugned order dated 02.09.2016 passed by the first respondent is liable to be set aside.

4. Heard the learned counsel for the petitioner as well the learned Government Advocate and the learned counsel for the 4th respondent and perused the materials available on record.



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5. At the outset, this Court, on the earlier occasion, directed the respondents to conduct enquiry. In this regard, the first respondent appointed an enquiry officer in this matter. After conducting proper enquiry, the enquiry officer filed a report stating that no allegation is made out as against the 4th respondent for the alleged misappropriation. In such view of the matter, the petitioner cannot challenge such enquiry report and there is no merit in the writ petition and therefore, the prayer sought for by the petitioner cannot be granted.

6. In the result, the writ petition is dismissed. No costs.

20.02.2023

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Index : Yes/No

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