



W.P(MD)No.1257 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.1257 of 2023

C.Chakaravarthi

... Petitioner

VS.

1.The Commissioner,
Rural Development and Panchayat Raj Department,
Panagal Building,
Chennai – 15.

2.The District Collector,
Collectorate Campus,
Sivagangai,
Sivagangai District.

3.The Assistant Director (Panchayat),
Rural Development and Panchayat Raj Department,
Sivagangai,
Sivagangai District.

4.The Block Development Officer (Village Panchayat),
Tirupuvanam Post,
Sivagangai District.

5.The Panchayat President,
Poovanthi Village Panchayat,
Tirupuvanam Panchayat Union,
Sivagangai District.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the second respondent to take appropriate action against the fifth respondent by invoking the power conferred under Section 205(1)(a) of the Tamil Nadu Panchayats Act, 1994 in the light of the letter issued by the first respondent in his proceedings in Na.Ka.No.11796/2021/Pa.Ra.14, dated 03.10.2022 and by considering the petitioner's representation, dated 20.07.2022.

For Petitioner : Mr.A.Nawaz Khan
for M/s.Ajmal Associates

For RR 1 to 3 : Mr.P.Thilak Kumar
Government Pleader

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The prayer in this Writ Petition is seeking for issuance of a Writ of Mandamus, directing the second respondent to take appropriate action against the fifth respondent by invoking the power conferred under Section 205(1)(a) of the Tamil Nadu Panchayats Act, 1994 in the light of the letter issued by the first respondent in his proceedings in Na.Ka.No. 11796/2021/Pa.Ra.14, dated 03.10.2022 and by considering the petitioner's representation, dated 20.07.2022.



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2. The petitioner has filed the present Writ Petition as a 'Public Interest Litigation' stating that the petitioner is a resident of Poovanthi Village. In the said Village, the fifth respondent was elected as a Panchayat President. After being elected as President, the fifth respondent indulged in various illegal activities viz., misappropriating the Village Panchayat Funds by creating forged and fabricated bills and swindling the public money without providing any basic amenities to the said Panchayat. The fifth respondent spent a sum of Rs.90,920/- for cleaning of Primary Health Centre, Poovanthi and payment have been made to the private agencies. In respect of the above mentioned payment made by the fifth respondent, the petitioner sought information from the Deputy Director of Public Health and Health Services, Sivagangai, under the RTI Act on 30.11.2022, wherein the Deputy Director, vide proceedings in Na.Ka.No.11799/A5/2022, dated 15.12.2022 stated that during the relevant years viz., 2020-2021 and 2021-2022, no works were carried out in the Primary Health Centre, Poovanthi by the fifth respondent Panchayat. Further, the fifth respondent Village Panchayat has misappropriated the Panchayat funds. Hence, the petitioner made a representation to the respondents 1 to 4 regarding the activities of the fifth respondent and the first respondent, vide proceedings,



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dated 03.10.2022 forwarded the complaint dated 19.07.2022 to the second respondent to take appropriate action on the representation of the petitioner and communicate the said action taken to the petitioner. However, the second respondent has not taken any steps to enquire about the allegations. Hence, the petitioner has filed the present Writ Petition.

3. The learned Government Pleader appearing for the respondents 1 to 3 submitted that the petitioner's representation, dated 20.07.2022 would be considered and appropriate action will be taken in accordance with law.

4. In view of the abovesaid submissions, the second respondent is directed to consider the representation of the petitioner, dated 20.07.2022 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the fifth respondent. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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

[D.K.K.,J.] [R.V.,J.]
24.01.2023

Index : Yes / No
Internet : Yes
ps

To

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D.KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
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DATED : 24.01.2023