



W.P.(MD).No.12976 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.12976 of 2020

N.Ganasekaran

... Petitioner

Vs.

1. The Inspector of Panchayats &
and the District Collector,
Madurai District.
Madurai.

2. The Assistant Director (Panchayats),
Madurai District,
Madurai.

3. The Block Development Officer, (Village Panchayats),
T.Kallupatti Panchayat Union,
Madurai District.

4. P. Sanmugapriya

5. Pavadayan

... Respondents

(R4 and R5 are Impleaded Vide Court Order Dated 06.07.2023)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus or any other appropriate writ or



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order or direction in the nature of writ to take action to the order passed by the 1st respondent herein the 1st respondent has passed an order on Na.Ka.No.154/2020/T8 dated 04.05.2020 take away under the issue the misappropriating the village work and as illegal the provisions of section 113 and 114 of the Panchayat Act 1994 Sillarpatti village Panchayat, Madurai District, by considering his representation, dated 19.04.2020.

For Respondents : Mr.C.Baskaran,
Government Advocate, for R-1 to R-3
Mr.B.Praveen Kumar, for R-4 & R-5

ORDER

This writ petition is filed for Writ of Mandamus to take action based on the communication dated 04.05.2020 issued in Na.Ka.No.154/2020/T8 by the 1st respondent herein. The 1st respondent had directed to visit the spot, ascertain the allegation submitted by the petitioner in his representation dated 19.04.2020 and submit report.

2. Heard Mr.Mr.C.Baskaran, the Learned Government Advocate appearing for the respondents, Mr.B.Praveen Kumar, the Learned counsel appearing for the respondents 4 & 5 and perused the material documents available on record.



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3. The contention of the petitioner is that the 4th respondent is an elected Union Chairman. But her husband is carrying the work of the Chairman. In short, the 5th respondent is occupying the 4th respondent's chair in the Union Office and he is carrying out the duty of the Chairman. In support of his contention, the 4th respondent has produced photographs, in which the 5th respondent is sitting on the chair of the Chairman. The petitioner is relying on the name board. The Learned counsel appearing for the respondents 4 & 5 submitted that the name board is no clear, hence it cannot be assumed that the name of the 4th respondent is in the name board. It is seen that the name board is not clear, but it is an admitted fact that the 4th respondent is the elected chairman and not the 5th respondent. The 4th and 5th respondents have not denied that the fact that the 5th respondent is sitting in the office of the 4th respondent. In such circumstances the 5th respondent cannot sit in the office of the 4th respondent, when the 5th respondent is not the elected chairman.



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4. In such circumstances, the 5th respondent is not entitled to sit on that chair and carry the duties of the 4th respondent. Therefore, the 5th respondent is restrained from carrying out any duties of the 4th respondent.

5. As far as the next contention is concerned, the 1st respondent has submitted a complaint to the District Collector. Without considering the complaint of the petitioner, the 1st respondent has forwarded the same to the Zonal Officer. The District Collector, being the Inspector of Panchayats is bound to consider the complaint. Therefore, the District Collector is directed to consider the petitioner's complaint dated 19.04.2020 and pass speaking order on merits within a period of eight weeks from the date of receipt of the copy of the order.



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6. With these directions, this Writ Petition is disposed of.

No Costs.

Index : Yes / No
Internet : Yes
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S.SRIMATHY, J

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**Order made in
W.P.(MD)No.12976 of 2020**

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