



W.P.(MD) No.16614 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.10.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.16614 of 2020
and WMP(MD) No.13888 of 2020

Thangam

... Petitioner

Vs

1. The Director of Panchayats,
Office of the Director of Panchayats,
Panagal Buildings, Chennai.

2. The District Collector Cum I,
Nspector of Panchayats, Office of the
District Collector, Theni District.

3. The Assistant Director of Panchayats,
Office of the Assistant Director of Panchayats,
Theni District.

4.Gowri,
The President,
Kandamanoor Village
Panchayat, Andipatti Taluk,
Theni District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to take action against the President/4th Respondent on the basis of



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the petitioner representation dated 17.10.2020 within the time stipulated by this Court.

For Petitioner : Mr.C. Jeganathan,
For Respondents : Ms.S.Jeyapriya for R1 to R3
Government Advocate
Mr.M.Joseph Thatheus Jerome for R4

ORDER

This writ petition has been filed for a mandamus directing the respondents 1 to 3 to take action on the 4th respondent on the basis of the representation made by the petitioner on 17.10.2020.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3.The petitioner is a ward member of Kandamanur Village Panchayat. According to the petitioner, the 4th respondent, who is the President of the panchayat, had sanctioned works more than that is permitted and thereby had misappropriated funds of the panchayat. The petitioner had made a representation/complaint in this regard before the respondents 1 to 3 to take action against the President of the Panchayat. Since the same did not evoke any response, the present writ petition has



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been filed before this Court.

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3.The learned counsel for the 4th respondent submitted that the entire works that have to be allotted to the contractors was placed as an agenda in the meeting and this meeting was attended by all the ward members except two of the ward members and it was unanimously resolved to allot the work to the contractors. It was further contended that the payment to the contractors was also directly sent from the office of the District Collector. Therefore, according to the fourth respondent, the writ petition itself has been filed with *mala fide* intention for political gains.

4. The learned Government Advocate appearing on behalf of the respondents 1 to 3 submitted that the representation made by the petitioner is now pending before the second respondent.

5. Taking into consideration the rival contentions that have been put forth before this Court and the facts and circumstances of the case, it will suffice if a direction is issued to the second respondent to



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consider the representation made by the petitioner on 17.10.2020 on its own merits and in accordance with law and a decision shall be taken by the second respondent within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court intentionally did not go into the merits of this case and it is left open to the second respondent to consider the complaint made by the petitioner and take a decision.

6. This writ petition is disposed of with the above terms. No costs. Consequently connected Miscellaneous Petition is closed.

06.10.2023

Index : Yes/No
NCC : Yes/No
RR



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N.ANAND VENKATESH, J.

RR

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