



W.P.(MD)No.18933 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.10.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.18933 of 2020

N Gnanasekaran,

... Petitioner

Vs

1. State Rep By.,
The District Collector,
Madurai District.

2. The Assistant Director
(Panchayat), Madurai-20.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, forbear the 2nd respondent from interfering in petitioners officials function as panchayat Board President, Silarpatty.

For Petitioner :Mr.V. Santhakumaresan,

For Respondents :Mr.S.Selvaganesan
Additional Government Pleader



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ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the 2nd respondent forbear from interfering with the official functioning of the petitioner as panchayat Board President, Silarpatty.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3.The affidavit filed in support of the writ petition is completely bereft of any details. Except making a general allegation against the second respondent, the petitioner has not even chosen to give the details as to how he is being harassed by the second respondent and in what manner.

4.This Court cannot act upon the vague affidavit filed in support of the writ petition and grant the relief sought for by the petitioner. Apart from the above, a counter affidavit has also been filed by the second respondent and it is seen that the second respondent was only attempting to



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redress the grievance by calling upon the petitioner to attend for the enquiry pursuant to the notice issued and to decide upon the approval of funds allocated to the panchayat. For proper appreciation, the relevant portion in the counter is extracted hereunder:

“5.It is humbly submitted that the 2nd respondent herein had sent another notice dated 09.10.2020 to the petitioner with a bonafide interest to redress the grievance and allegations putforth by an elected representative of the people. But unfortunately the petitioner herein had sent a reply dated 26.11.2020 to the said notice stating that Government officers are neither superior to him nor having any powers to supervise/control him and they are only there to attend and cater the dictates given by him. It is humbly submitted that in view of the G.O.Ms.264 Rural development (C3) Department dated 21.12.1999, the Assistant Directors (Panchayats) are officers empowered to inspect and supervise the administration of all the three tiers of the panchayat administration in a District namely District Panchayat, Block Panchayat and village panchayat. The Assistant Director (Panchayats) is an officer responsible for the release of funds allotted to



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the panchayats by the state, after getting approval from the District Collector who is the Inspector of Panchayats and is also responsible for putting notes and appraising the Inspector of Panchayats to select eligible works to be carried out in the said funds and to obtain administrative sanctions for the same. Hence the 2nd respondent herein is empowered by the above mentioned G.O.,to supervise and inspect the financial administration of the panchayat funds and implementation of various projects/schemes in the panchayat. The act of the petitioner in neglecting the notice of an officer empowered by the Government and stating that he is neither answerable nor subjective of any Government officer, would prove the audacity and vexatious intentions of the petitioner herein.”

5. This Court does not find any merits in this writ petition.

Accordingly, this writ petition is dismissed. No costs.

09.10.2023

NCC :Yes/No
Index :Yes/No



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To

The District Collector,
Madurai District.

2. The Assistant Director
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N.ANAND VENKATESH, J.

RR

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