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W.P(MD)No.18236 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	:	27.09.2023
Pronounced On	:	17.11.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

W.P(MD)No.18236 of 2023

J.Maruthayi

... Petitioner

Vs.

1. The Director,
Director of Vigilance and
Anti Corruption (DVAC)
No.293, M.K.N.Road,
Alandur,
Chennai-600 016.
2. The District Collector,
Ramanathapuram District,
Ramanathapuram.
3. The Joint Director,
Department of Agriculture,
Ramanathapuram District,
Ramanathapuram.
4. The Block Development Officer,
Paramakudi Panchayat Union,
Ramanathapuram District.



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5. The Secretary,
Vengalore Village Panchayat,
Paramakudi Panchayat Union,
Ramanathapuram District.

6. Jeganvijay

7. Abirami

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ, Order or Direction in the nature of WRIT OF MANDAMUS directing the 1st respondent to consider the petitioner's representation dated 14.06.2023 and consequently direct the respondent's 2 to 5 take action against the respondents 6 & 7 for misappropriation of fund in the year 2018-2020 at Vengalore Village Panchayat, Paramakudi Panchayat Union, Ramanathapuram District.

For Petitioner : Mr.C.Jeya Prakash

For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor
for R1 to R5

ORDER

This writ petition has been filed to issue a writ of mandamus, directing the first respondent to consider the petitioner's representation dated 14.06.2023 and consequently, to direct the respondent Nos.2 to 5, to take action against the respondent Nos.6 and 7, for the misappropriation of fund in the year 2018-2020 at Vengalore Village



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Panchayat, Paramakudi Panchayat Union, Ramanathapuram District.

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2. The petitioner is the former Village Panchayat President of Vengalore Panchayat, Paramakudi Panchayat Union, Ramanathapuram District. She was elected in the year 2016 and served up to the year 2020. In the year 2019, her husband met with a major accident and sustained grievous injuries. Pursuant to which, he was admitted in Madurai Meenakshi Mission Hospital. At that time, the sixth and seventh respondents conspired together and impersonated and forged the signatures of the petitioner and her husband and misappropriated the funds allotted for the panchayat. Therefore, the petitioner herein made a representation dated 14.06.2023 to the first respondent to take action against the sixth and seventh respondents. Since no action has been taken in pursuant to the said representation, she is before this Court with the present writ petition.

3. The learned Additional Public Prosecutor, on instructions, submitted that pending this writ petition, the third respondent herein had conducted an enquiry and submitted a detailed report to the first respondent. From the report, it is seen that there is no misappropriation



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as alleged by the petitioner.

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4. The third respondent herein has submitted a report before this Court on 15.09.2023. In the report, it is stated that the alleged work of “Kanmaai Maramathu” was done by allotting the work in the name of the petitioner's husband, namely Jeganathan. After completion of the work, the amount was disbursed to the said Jeganathan. Hence, there is no truth in the allegation. The said report was also furnished to the petitioner. Hence, the prayer to issue direction to the respondent Nos.2 to 4 is redressed by the third respondent by submitting the said report.

5. This Court recorded the above submissions and the report filed by the third respondent. However, this Court is not satisfied with the report. This Court is unable to appreciate the fact that as to how the department has entrusted the work to the petitioner's husband, when the petitioner herself is the president of the said Panchayat and when there is a specific allegation that the sixth and the seventh respondents forged the signature of Jeganathan. The allotment of work in favour of the petitioner's husband itself shows that there is a conspiracy between the petitioner and her husband on the one side and the sixth and seventh



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respondents and other officials on the other.

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6. As per the tender transparency procedure, the work must be allotted through the tender process. In this case, this Court finds that the work was allotted to the petitioner's husband and hence, this Court *prima facie* satisfied that the first respondent has to initiate the preliminary enquiry regarding the allegations and the report submitted by the third respondent.

7. It is open to the first respondent to conduct the preliminary enquiry by collecting the entire documents annexed in the report of the third respondent dated 15.09.2023 and the work allotted in favour of the petitioner's husband. The preliminary enquiry shall be concluded within a period of six months from the date of receipt of a copy of this order. It is made clear that in the course of preliminary enquiry, if any *prima facie* case is made out even against the petitioner herein, necessary action shall be initiated not only against the petitioner but also the persons, who are responsible.



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8. Accordingly, this writ petition stands disposed of. Without any order as to costs.

17.11.2023

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No

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5. The Secretary,
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Paramakudi Panchayat Union,
Ramanathapuram District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K. RAMAKRISHNAN. J.,

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Pre-delivery order made in
W.P(MD)No.18236 of 2023

Dated : 17.11.2023