



W.P(MD)No.13838 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13838 of 2015

B.Dhanam

... Petitioner

Vs

1.The Secretary,
Government of Tamil Nadu,
Rural Development and
Panchayat Raj,
Secretariat,
Fort Saint George,
Chennai – 600 009.

2.The Director,
Rural Development and
Panchayat Raj,
Panagal Buildings,
Chennai – 600 015.

3.The District Collector,
Collectorate,
Dindigul District,
Dindigul.

4.The Commissioner,
Panchayat Union Office,
Natham,
Dindigul District.



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5. The Panchayat President,
N.Pudhupattu,
Natham Taluk,
Dindigul District.

6. Pappathi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to initiate appropriate actions under Section 205 of the Tamil Nadu Panchayat Act, 1994 against the fifth respondent on the petition of the petitioner dated 18.05.2015 for the misappropriation of Government Funds.

For Petitioner : No Appearance

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader
for R.1 to R.3

Mr.M.Rajarajan for R.4

Mr.S.Vinayak for R.5

No Appearance for R.6

ORDER

None appears for the writ petitioner.

2. The case is posted under the caption “for dismissal”. I went through the contents of the affidavit filed in support of the writ petition. The case of the petitioner is that a sum of Rs.55,000/- (Rupees Fifty Five only) had been



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misappropriated by the fifth respondent in the name of construction under the scheme “Indira Housing Scheme 2009-2010”.

3. The Block Development Officer has filed counter affidavit and the learned Additional Government Pleader took me through its contents. It is seen there from that the petitioner and the sixth respondent are closely related. The Natham patta in respect of Survey No.1149/3 in Sengulam Village stood in the name of Panaiyan @ Maniar. He had two sons, namely, Mani and Bose. The petitioner is wife of Bose while the sixth respondent is the wife of Mani. Both Bose and Mani are no more. It appears that the dispute has arisen between the two and that has led to the filing of this writ petition.

4. In the counter affidavit it has been stated that the house was constructed under the aforesaid scheme and a sum of Rs.38,000/- (Rupees Thirty Eight Thousand only) was released by the Department. The voucher was in the name of the sixth respondent. It appears that some dispute has arisen between the two as to who should reside in the house. The authorities have taken the stand that this issue has to be adjudicated only before the civil Court and the authorities cannot be vexed with the dispute.



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5. In any event, based on the petitioner's complaint, enquiry was initiated. It was scheduled to be held on 12.08.2015. But neither the petitioner nor the sixth respondent appeared. The learned Additional Government Pleader wants this Court to give some more time to find out the outcome of the enquiry.

6. I am of the view that this writ petition need not be adjourned for that purpose. I am satisfied that no case for initiating action under Section 205 of the Tamil Nadu Panchayat Act, 1994 has been made out. The fact remains that a house was constructed under the said scheme. Ownership issue has to be resolved elsewhere.

7. This writ petition stands dismissed. There shall be no order as to costs.

12.07.2023

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



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G.R.SWAMINATHAN, J.

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