



W.P(MD)No.18373 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18373 of 2015

A.Thambidurai

... Petitioner

Vs

- 1.The Principal Secretary,
O/o. Department of Panchayat Raj and
Municipalities,
Secretariat,
Chennai.
- 2.The Director,
O/o. Department of Panchayat Raj and
Municipalities,
Panagal Maligai,
Saidapet,
Chennai.
- 3.The District Collector,
O/o.The District Collector Office,
Thoothukudi District.
- 4.The Block Development Officer (Panchayat),
Block Development Office,
Kovilpatti,
Thoothukudi District.



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5.Ponnuraju

6.Ponnuthai

... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation dated 23.05.2015 and to take appropriate action against the offenders by conducting an enquiry through special officers within stipulated time frame fixed by this Court.

For Petitioner : Mr.R.Ganesh Prabu

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader
for R.1 to R.4

Mr.G.Thalaimutharasu for R.6

No Appearance for R.5

ORDER

Heard the learned counsel on either side.

2. The petitioner is a resident of South Thittankulam Panchayat. He alleges that on account of activities of the respondents 5 and 6, the Panchayat was put to substantial revenue loss. The sixth respondent is none other than the wife of the fifth respondent. The fifth respondent was murdered on 22.08.2022. He was also the president of the Panchayat.



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3. The allegation of the writ petitioner is that a number of buildings in the Panchayat have not been assessed to property tax. The allegation made by the petitioner was enquired into. It has been noticed that on account of such non assessment, loss to the tune of Rs.3,77,550/- was caused to the local body. It is stated that surcharge proceedings are proposed to be initiated.

4. The Assistant Director (Village Panchayats), Thoothukudi District is directed to take further action under the Tamil Nadu Panchayats (Surcharge, Disallowance and Charge) Rules, 2000. The statutory procedure shall be adhered to. Notices shall be given. In any event, final order shall be passed on merits and in accordance with law by the said authority within a period of five months from the date of receipt of a copy of this order. I make it clear that I have not gone into the merits of the matter. All the defences and contentions of the sixth respondent are left open.

5. This writ petition is disposed of accordingly. There shall be no order as to costs.

10.08.2023

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



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To

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O/o. Department of Panchayat Raj and
Municipalities,
Secretariat,
Chennai.
2. The Director,
O/o. Department of Panchayat Raj and
Municipalities,
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Saidapet,
Chennai.
3. The District Collector,
O/o. The District Collector Office,
Thoothukudi District.
4. The Block Development Officer (Panchayat),
Block Development Office,
Kovilpatti,
Thoothukudi District.

Copy to:

The Assistant Director (Village Panchayats),
Thoothukudi District.



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G.R.SWAMINATHAN, J.

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