



W.P. No. 4012 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 4012 of 2024

M.Ravichandran

... Petitioner

-VS-

1. The District Collector,
Kancheepuram District,
Kancheepuram – 631 501.
2. The Additional Director (Panchayats),
Kancheepuram District,
Kancheepuram – 631 501.
3. The Tahsildar,
Kunarathur Taluk,
Kunarathur,
Kancheepuram District.
4. The Block Development Officer,
Village Panchayat,
Kunrathur Panchayat Union,
Padappai,
Kancheepuram District.
5. The President,
Vaipoor Panchayat,
Kunrathur Union,
Kancheppuram District.
6. The Vice President,
Vaipoor Panchayat,
Kunrathur Union,
Kancheepuram District.

Respondents

...



W.P. No. 4012 of 2024

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to consider and pass orders on the joint representation given by the Petitioner dated 12.06.2023 & 29.01.2024 and in support of that several previous representations given by the ward councilors and also General Public of Vaipoor Panchayat Village for removal of the Post of President and Vice President in accordance with Sections 205 and 206 of the Tamil Nadu Panchayats Act, 1994, and to take actions against them as per the procedure laid down in the law.

For Petitioner : Mr. V.Manoharan

For Respondents : Mr. V.Ravi,
Special Government Pleader
(for R1 to R3)

Mr. R.Srinivasan (for R4 & R5)

ORDER

Heard Mr. V.Manoharan, Learned Counsel for the Petitioner, Mr. V.Ravi, Learned Special Government Pleader appearing for the First to Third Respondents and Mr. R.Srinivasan, Learned Counsel for the Fourth and Fifth Respondents and perused the materials placed on record, apart from the pleadings of the parties.



W.P. No. 4012 of 2024

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2. The Writ Petition has been filed for directing the First Respondent to consider and pass orders on the joint representations dated 12.06.2023 and 29.01.2024 made by the Petitioner along some other ward members of Vaipoor Village Panchayat and earlier representations given by the ward councilors and general public of Vaipoor Village Panchayat in support of them for removal of the President and Vice President of that Panchayat in accordance with Sections 205 and 206 of the Tamil Nadu Panchayats Act, 1994, and to take actions against them as per the procedure laid down by law.

3. In furtherance of the order dated 23.02.2024 passed by the Court, the Second Respondent has filed Counter-Affidavit dated 12.03.2024 in which it has been stated as follows:-

“4. It is submitted that several complaints were received by this Respondent with regard to misappropriation of the Panchayat funds by the President Mrs. R.Sumathi and the Vice-President Bharathi Raja. Apart from the same, some of the Councilors including Mr. M.Ravichandran, the Petitioner herein



W.P. No. 4012 of 2024

(who is one of the Ward Members of Vaipoor Village Panchayat)

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had also sent several representations to this Respondent with regard to the non co-operation of the President and Vice-President of Vaipoor Village Panchayat in implementing developmental activities and requested to take appropriate action against the President and Vice-President.

5. *It is submitted that on receipt of the said complaints and representations, Second Respondent conducted an enquiry and found that the President and Vice-President of Vaipoor Village Panchayat have involved in misappropriation of funds thereafter First Respondent passed an order in Proc. No. Na. Ka. No. 2504/2022/A6 dated 14.07.2023 by withdrawin cheque signing power of the President R. Sumathi and the Vice-President R.Bharathi Raja. Aggrieved by the said order, they filed a Writ Petition in W.P. No. 24824 of 2023 before this Hon'ble Court and this Hon'ble Court by its order dated 27.09.2023 allowed the Writ Petition by setting aside the said order dated 14.07.2023. On the basis of the order of this Hon'ble Court, the cheque signing power of the President and Vice-President of Vaipoor*



W.P. No. 4012 of 2024

Village Panchayat was given back.

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6. *It is submitted that even after this incident also, the Councilors of Vaipoor Village Panchayat and the general public of Vaipoor Village sent several complaints to Respondent against the President and Vice-President of Vaipoor Village. On considering the same, the First Respondent formed a Committee vide Proc. No. Na. Ka. No. 2504/2022/A6.U.E (Voo) dated 11.11.2023 to enquire into the complaints received against the President and Vice-President of Vaipoor Village. It is submitted that the Committee comprised the following officials:-*

Sl. No.	Name and Designation of the officials
1.	Thiru E.Rajarajan, Assistant Director (Audit), Kancheepuram.
2.	Thiru A.S.Thangaraj, Block Development Officer (Tanfinet), District Development Agency, Kancheepuram.
3.	Thiru V.Seenivasan, Zonal Deputy Block Development Officer (V), Panchayat Union, Sriperumpudur.
4.	Tmt. N.Bhavani, Deputy Block Development Officer (Audit), Panchayat Union, Sriperumbudur.
5.	Thiru S.Selvam, Assistant Engineer (Roads and Bridges), District Development Agency, Kancheepuram.
6.	Thiru K.Kannbiran, Junior Drafting Office,



W.P. No. 4012 of 2024

Sl. No.	Name and Designation of the officials
	Sriperumpudur Sub Division Office, Kancheepuram.

It is submitted that the above said Committee was directed to conduct enquiry on the complaints received against the President and Vice-President of Vaipoor Village and to submit a detailed report within two weeks.

7. *It is submitted that after formation of the said Committee, one of Committee Members Thiru S.Selvam, Assistant Engineer (Roads and Bridges), District Development Agency, Kancheepuram proceeded on leave and hence Tmt. Sathyavathi, Assistant Engineer, Sriperumpudur Sub Division was included as Member of the said Committee instead of Thiru S.Selvam vide Proc. No. 2504/A6.U.E (Voo) dated 31.12.2023.*

8. *It is submitted that the said Committee sent summons to the President and Vice President of Vaipoor Village Panchayat to appear in person and to submit their written statements. Likewise, summons were sent by the Committee to the complainants, ward members and the general public who made representations and accordingly they appeared in person and*



W.P. No. 4012 of 2024

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submitted their written statements. On receipt of the written statements, the Committee also inspected the records maintained in the Village Panchayat and finally submitted a report to the Assistant Director (Audit), Kancheepuram for onward transmission to this Respondent. It is submitted that the Assistant Director (Audit), Kancheepuram forwarded the report of the Committee to the First Respondent vide Lr. No. Na. Ka. 1227/2023/A4 dated 12.02.2024.

9. *It is submitted that in the said report, it is made clear that the President and Vice-President of Vaipoor Village Panchayat have not followed the rules in conducting Panchayat Board meeting and have passed resolutions and have sanctioned the contracts which involves more than Rs. 5,000/- have been awarded without calling for tenders and have separated one work as many works and thereby caused loss to the Panchayat and they have violated the rules and misappropriated funds in purchasing Street lights and electrical goods for the use of Panchayat and many of the expenditure have been made without following the appropriate rules.*



W.P. No. 4012 of 2024

10. *It is submitted that the report of the Committee is under consideration of the First Respondent and necessary action would be taken against the President and Vice-President of Vaipoor Village Panchayat as per Sections 205 and 206 of the Tamil Nadu Panchayats Act, 1994, within a short span of time."*

In view of the aforesaid action taken, nothing remains for further consideration in the Writ Petition, but if the Petitioner still has any grievance to be redressed in the matter, he is not precluded from working out his rights before the proper forum in the manner recognized by law. It is needless to add here that it shall be incumbent upon the concerned authorities, while taking any action, to scrupulously follow the prescribed procedure under the relevant provisions without any default.

In the result, the Writ Petition is disposed with the aforesaid observations.

No costs.

13.03.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 22.04.2024.

vjt

To



W.P. No. 4012 of 2024

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Kancheepuram – 631 501.
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Kancheepuram District,
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W.P. No. 4012 of 2024

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W.P. No. 4012 of 2024

P.D. AUDIKESAVALU, J.

vjt

W.P. No. 4012 of 2024

13.03.2024