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W.P.No.9405 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.9405 of 2024

and

W.M.P.No.10413 of 2024

Sivanesan Munusami

...Petitioner

Vs

1. The State of Tamil Nadu
Represented by the Principal Secretary to Government
Rural Development and Panchayat Raj Department,
Fort St. George, Secretariat, Chennai 600 009.
2. The District Collector/Inspector of Panchayats,
Tiruppur District Collectorate, Tiruppur – 641 601.
3. The Assistant Director (Village Panchayat),
Collectorate, Tiruppur District.
4. The Assistant Director Panchayat (Audit)
Collectorate, Tiruppur District.
5. The Tashildar, Udumalaipettai,
Tiruppur District.
6. The Block Development Officer(Village Panchayat)
Panchayat Union,
Udumalaipettai Block,
Tiruppur District.



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7. D. Soundhara Rajan, President
Bodipatti Village, Panchayat,
Udumalaipettai Panchayat Union,
Tiruppur District.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent District collector/Inspector of Panchayat to conveying the meeting as per the Section 205(4) of the Panchayat Act as directed by the Hon'ble Court in the order dated 05.06.2023 passed in W.P.No.15773 of 2023 within the time frame and pass orders.

For Petitioner : Mr. R. Bala Ramesh

For Respondents 1 to5 : Mr.M. Shahjahan
Special Government Pleader

For Respondent -6 : Mrs. C. Meera Arumugam
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the second respondent District collector/Inspector of Panchayat to conveying the meeting as per the



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Section 205(4) of the Panchayat Act as directed by the Hon'ble Court in the order dated 05.06.2023 passed in W.P.No.15773 of 2023 within the time frame and pass orders.

2. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner is a resident and voter of the Bodipatti Village Panchayat and the 7th respondent herein is the president of the Bodipatti Village Panchayat. The 7th respondent herein had involved in misappropriation of the Government fund allotted to various schemes viz., Pip line repair works, Jal Jeevan Scheme, Mahatma Gandhi, National Rural Employment Scheme, Government tenders. Further more the seventh respondent has also involved in various malpractice. Due to the misappropriation and the malpractice committed by the 7th respondent the second respondent issued show cause notice dated 26.04.2023. Subsequently the 7th respondent also gave explanation. Thereafter, the first respondent herein had passed an order dated 04.05.2023 under Section 205(11) of the Panchayat Act, 1994



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where by removed Mr.D. Soundarrajan herein. Aggrieved over the same the 7th respondent filed W.P.No. 15773 of 2023 before this Court and this Court vide order dated 05.06.2023 remanded the matter once again to the file of the Inspector of Panchayat/District Collector, Tiruppur district and directed the District Collector to strictly follow with the procedure as contemplated u/s 205 of the Act. Despite orders passed by this Court there is no further progress the case. Hence, this petition.

4. The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the second respondent to conveying the meeting as per the Section 205(4) of the Panchayat Act as directed by this Court in the order dated 05.06.2023 passed in W.P.No.15773 of 2023 within a time frame.

5. The learned Special Government Pleader and the learned Government Advocate appearing for the official Respondents submitted that they will consider the case of the petitioner and take action in the manner known to law.



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6. Considering the facts and circumstances of the case and the limited relief sought for by the petitioner, this Court, without going into the merits of the case, directs the second respondent to conveying the meeting as per the Section 205(4) of the Panchayat Act as directed by the Hon'ble Court in the order dated 05.06.2023 passed in W.P.No.15773 of 2023 and pass orders on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order.

7. With the aforesaid direction, this Writ Petition stands disposed of. No costs. Consequently the connected miscellaneous petition is closed.

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Index: Yes/No
Speaking order/Non-speaking order
smn



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V.BHAVANI SUBBAROYAN,J.

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