



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2024

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.31766 of 2024

N.Arusamy

.. Petitioner

Vs.

- 1.The District Collector,
Collectorate, Coimbatore District,
Coimbatore – 641 018.
 - 2.The Block Development Officer,
(Village Panchayats)
Sulthanpet Union,
Sulur Taluk, Coimbatore District.
 - 3.The Zonal Deputy Block Development Officer,
Sulthanpet Union,
Sulur Taluk, Coimbatore District.
 - 4.The Assistant Director (Panchayats),
Rural Development, Coimbatore.
 - 5.Maragathavadivu,
President,
Selakarichal Village Panchayat,
Selakarichal, Sulur Taluk,
Coimbatore District.
- 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 4 to conduct an enquiry and take action against the 5th respondent for her malpractice and recover the misappropriate amount from her and remit to the accounts of the Selakkarichal village panchayat based on the representation of the petitioner dated 12.10.2023 within the stipulated time as fixed by the Court.

For Petitioner	.. Mr.K.J.Shiva Arudhra
For R1	.. Mr.T.Chandrasekaran, Special Government Pleader
For R2 and R3	.. Ms.M.Jayanthi, Additional Government Pleader

ORDER

This writ petition has been filed in a nature of Mandamus seeking a direction against the 1st, 2nd, 3rd and 4th respondents to conduct enquiry and take action against the 5th respondent for her alleged malpractice and recover the misappropriated amount from her and remit the same to the account of the Selakkarichal Village Panchayat. The petitioner had given a representation on 12.10.2023.



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2. In the affidavit filed in support of the writ petition, the writ petitioner had stated that he is an elected Ward Member of Selakkarichal Village Panchayat at Suler in Coimbatore District. It is stated that the 5th respondent is an elected President of the said Panchayat in the year 2019. It is alleged that she had misappropriated the power and caused loss to the panchayat. It had also been stated that she did not follow the Tamil Nadu Government manuals and rules for the tender and violated the norms in the Tender Transparency Act, 1998.

3. It must be stated that, even at the outset that this sought of vague allegations can be raised against anybody and everybody by everybody. Once there is a public duty cast on a member holding public office, then there are inbuilt checks and balances in the legislation itself. Merely because the petitioner had given a representation would not be a ground to issue a mandamus. The petitioner must be either directly or indirectly interested in the subject matter. Even otherwise, a mandamus to direct an enquiry cannot be issued and if the petitioner has a public cause, then the forum is different. The writ Court cannot be misused for this purpose.



WEB COPY 4. With the above observations, this Writ Petition stands dismissed.

No costs.

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Index: Yes/No
Internet: Yes/No
smv

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C.V.KARTHIKEYAN,J.

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