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W.P.No.22493 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2024

CORAM:

THE HON'BLE Mrs.JUSTICE **V.BHAVANI SUBBAROYAN**

W.P.No.22493 of 2021

T.Parimalam
Vice Chairman,
Karambakudi Panchayat Union,
Karambakudi Taluk,
Pudukotai District – 622302

... Petitioner

Vs.

1. The Director,
Office of the Director of Rural
Development and Panchayat
Raj, Panagal Park, Saidapet,
Chennai – 600 015
2. The District Collector,
Pudukottai District
3. The Assistant Director,
Rural Development Department and
Panchayati Raj,
O/o the District Collectorate,
Pudukottai District
4. The Block Development Officer
Panchayat Union, Karambakudi,
[R4 – Suo Motu impleaded as per
order dated 22.04.2024 in
W.P.No.22493 of 2021 by VBSJ]

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for
issuance of a Writ of Mandamus directing the respondents to take action on
the representation dated 02.08.2021 of the petitioner within the stipulated



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period.

For Petitioner : Mr.K.Krishnamoorthy

For Respondents : Mr.M.Venkateswaran for R1 to R3
Special Government Pleader
Mrs.C.Meera Arumugam for R4
Additional Government Pleader

ORDER

The present Writ Petition is filed for issuance of a Writ of Mandamus directing the respondents to take action on representation of the petitioner dated 02.08.2021 within the stipulated period.

2. The brief facts of the case are as follows:-

The petitioner was elected as Vice Chairman by the Panchayat Union Council on 11.01.2010 in the election held for Karambakkudi Panchayat Union. The allegation levelled by the petitioner is that he was not treated with due importance by the Chairman and Block Development Officers (regular), Block Development Officers Scheme, Accountant and Manager by denying his access to the office, table, chair and other infrastructure facilities to discharge his duties. Thereafter, the petitioner's access to the records pertaining to day today affairs of Karambakudi Union Council is also been denied. However, the Chairman is keeping the minutes book under her custody, for which no one can have access. The executive authorities



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spending money to their whims and fancies contrary to the Tamil Nadu Panchayats Act, 1994, later on asking for resolution to be passed on the money swindled by them and they are acting hand in glove with Chairman to swindle the fund allotted for the welfare of the people belonging to Karambakudi Union Council. Therefore, the petitioner is not able to properly discharge his duties due to the arbitrary behaviours of the executive authorities. However, till date no action has been taken on his complaint / representation dated 02.08.2021. Hence this petition.

3. The learned counsel for the petitioner would submit that there is a gross violation of Section 81 of Tamil Nadu Panchayats Act, 1994 by way of not responding to the request of ward councillors in respect of Panchayat Union Work and denying access to the records during office hours despite the advance notice being given to them. The appointment committee, Educational Committee and Agriculture Committee have not been formed, which is mandatory under Section 96 of the Tamilnadu Panchayats Act, 1994. Further, the Executive Authorities have been illegally appointing persons to discharge their duties, especially when they have adequate number of employees sanctioned by the Government.

4. The learned counsel for the petitioner would further submit that



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there are eight women councillors elected as ward councillor for the Karambakudi Union Council, however, instead of the elected women councillor, their respective son and husbands are participating in the meeting and according their approvals for resolutions by way of putting signature in the minute book. All the grievances of the petitioner have been sent by way of representations to all the three respondents herein on 02.08.2021, for which there was no response and the complaint dated 02.08.2021 is pending before the District Collector, Pudukottai till date, the petitioner also marked a copy to the Director of Rural Development and Panchayat raj and the Assistant director, Rural Development and Panchayat Raj, however, till date no action has been taken on the representation of the petitioner dated 02.08.2021, hence this petition.

5. Per contra, it is the contention on the side of the respondents that in pursuant to the directions of this Court, an enquiry was conducted by the District Collector on 12.07.2024, in which, the petitioner attended the enquiry but stated that without having consultations with his counsel, he could not express anything in writing and left the enquiry, hence the second enquiry was conducted with the petitioner on 19.07.2024 and detailed report has been, wherein the allegations levelled by the petitioner in the representation dated 02.08.2021 are found to be untrue, thereby pleaded to



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dismiss the petition.

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6. Heard the learned counsel on either side and perused the documents placed on record.

7. It is the case of the petitioner that he was elected as the Vice Chairman by the Panchayat Union Council on 11.01.2020 in the election held for Karambakkudi Panchayat Union and the petitioner was not treated with due importance by the Chairman and Block Development officers. The petitioner was also denied access to the records pertaining to day today affairs and the executive authorities are spending money without any accountability. Moreover, the petitioner has given the complaint stating all the allegations to the 2nd respondent / District collector, Pudukottai, however, no action has been taken.

8. It is to be noted that on earlier occasion, viz., 22.10.2021, considering the fact that various resolutions were passed without any discussion and justification for spending money by way of cash and the same is done with the connivance of the Block Development, this Court, directed the 2nd respondent to conduct enquiry on the representations made by the petitioner on 04.11.2020 and 02.08.2021 and to file a report. In spite of repeated directions to file a report, the 2nd respondent and the 4th



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respondent have not chosen to file a report. Therefore, by order dated 30.07.2024, this Court, directed the 2nd respondent and the 4th respondent as well to appear before this court on 30.07.2024.

9. Today, viz., 30.07.2024, the learned Special Government Pleader and learned Additional Government Pleader appearing on the side of the respondents submitted that the 2nd respondent, viz., District Collector, Pudukottai District, may be permitted to appear before this Court through Video Conference and W.M.P.No.23667 of 2024 of 2024 has been filed to dispense with the appearance of the District Collector, Pudukottai District. Accordingly, the 2nd respondent appeared before this Court through video conference.

10. On a perusal of the proceedings from the 2nd respondent in R.C.No.5579/2021/A3(Pt) dated 22.07.2024, it is clear that only during the time when the office of the Chairman goes vacant, the vice chairman can exercise the functions of the Chairman, which instance has not arisen so far, in respect of Karambakkudi Panchayat Union, according to the officials. Since the Chairman of the Panchayat Union is given full access to records and empowered in terms of communication, the chamber is provided only to



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the Chairman and not for the Vice-Chairman.

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11. Besides the above, though the petitioner contended that she was not given proper notice or information for the Pachayat Union Council Meetings held in Karambakkudi Panchayat Union, the Block Development Officer, Karambakkudi and Assistant Director (Panchayats) were enquired about the allegation in the presence of the petitioner and on perusal of the proceedings of the Council, passing of resolutions and signatures of the Panchayat Union Council members, it is found that the petitioner in his capacity as vice chairman attended in many of the panchayat union council meetings held in Karambakkudi Panchayat Union on several dates, which is tabulated as follows:-

Sl.	Panchayat Union Council Meeting held on	Thiru. T.Parimalam, Vice Chairman	Passing of Resolution	<u>Passing of Resolution</u> Whether Thiru.T.Parimalam signed in support of passing of resolution		In case of 'No', how were the resolutions passed
				Yes	No	
1	2	3	4	5	6	7
1	07.02.2020	07.02.2020	-	Yes	-	-
2	27.05.2020	27.05.2020	-	-	No	14/16 (Majority)
3	13.08.2020	13.08.2020	-	Yes	-	-
4	12.10.2020	12.10.2020	-	-	No	14/16 (Majority)
5	07.12.2020	07.12.2020	-	-	No	14/16 (Majority)

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Sl.	Panchayat Union Council Meeting held on	Thiru. T.Parimalam, Vice Chairman	Passing of Resolution	<u>Passing of Resolution</u> Whether Thiru.T.Parimalam signed in support of passing of resolution		In case of 'No', how were the resolutions passed
6	02.02.2021	02.02.2021	-	-	No	14/16 (Majority)
7	30.06.2021	-	30.06.2021	-	No	15/16 (Majority)
8	27.08.2021	27.08.2021	-	-	No	13/16 (Majority)
9	22.10.2021	22.10.2021	-	-	No	13/16 (Majority)
10	01.08.2022	01.08.2022	-	Yes	-	-
11	13.10.2022	13.10.2022	-	Yes	-	-
12	12.12.2022	12.12.2022	-	Yes	-	-
13	10.02.2023	-	10.02.2023	-	No	14/16 (Majority)
14	06.04.2023	06.04.2023	-	Yes	-	-
15	08.06.2023	08.06.2023	-	Yes	-	-
16	07.08.2023	07.08.2023	-	Yes	-	-
17	05.10.2023	05.10.2023	-	-	No	14/16 (Majority)
18	11.12.2023	11.12.2023	-	Yes	-	-
19	09.02.2024	09.02.2024	-	Yes	-	-
20	27.06.2024	27.06.2024	-	Yes	-	-

12. Also, the council members attended the meeting and all agenda points were taken up for discussion and were passed through resolutions

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based on majority. The petitioner was allowed to scrutinise two volumes of resolution register during enquiry, and no objection was raised by the petitioner at that point of time. Further , the concerned officials stated that resolutions have been duly passed by the Panchayat Union Council for the financial expenditures, however, small or petty in nature, every single item of expenditure was put to sanction by the Panchayat Union Council and during the enquiry, the petitioner verified the Resolution Register and accepted the fact.

13. It is seen that the allegations levelled by the petitioner in his representation dated 02.08.2021 are found to be untrue and after due enquiry with the petitioner and the officials concerned together with relevant records and in confirmity of the facts by the petitioner himself, it is concluded that the petitioner's allegations are found to be untrue and contrary to the facts and the petitioner has also accepted the facts. Further, all the allegations levelled by the petitioner in the representation dated 02.08.2021 were considered by the 2nd respondent.

14.Considering the above said facts and circumstances of the case,



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this Writ Petition is disposed of with the following directions. No costs :-

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(i) Though the representation of the petitioner dated 02.08.2021 was considered and on enquiry being conducted the allegations were found to be untrue, the 2nd respondent is directed to pass appropriate orders on the representation of the petitioner dated 02.08.2021 within a period of four weeks from the date of receipt of copy of this order.

(ii) That apart, the petitioner's claim that only private individuals are appointed without any right and the women candidates are not acting according to their duty and their respective son and husband are participating in the meeting has to be considered by the 2nd respondent / District Collector while passing orders. The 2nd respondent / District Collector, Pudukottai and the 4th respondent / Block Development Officer, Karambakudi are also directed to prevent the respective husband and family members of the councilors from participating in the meeting / day today affairs and ensure that no such situation shall arise in future.

(iii) Further, the 2nd respondent / District Collector, Pudukottai District shall conduct a meeting with all the councillors in the Pudukottai District and provide them training with regard to the duties and responsibilities on such



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post and the consequences of their acts which violate the Act.

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Index:Yes/No
Internet:Yes/No
Speaking / Nonspeaking order
ssd

To

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Office of the Director of Rural
Development and Panchayat
Raj, Panagal Park, Saidapet,
Chennai – 600 015
2. The District Collector,
Pudukottai District
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O/o the District Collectorate,
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Panchayat Union,
Karambakudi



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V.BHAVANI SUBBAROYAN J.

ssd

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30.07.2024