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W.P.(MD) No.16283 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 08.08.2024**

CORAM:

**THE HON'BLE MR.D.KRISHNAKUMAR**  
**ACTING CHIEF JUSTICE**

**AND**

**THE HON'BLE MR.JUSTICE P.B.BALAJI**

**W.P.(MD) No.16283 of 2024**

Ayyappan

... Petitioner

-VS-

1. The State Election Commission,  
No.208/2, Jawaharlal Nehuru Salei,  
Arumpakkam, Chennai-600 106.
2. District Collector,  
Kanyakumari District at Nagercoil.
3. Assistant Director of Town Panchayaths,  
Collectorate Campus, Nagercoil.
4. Election Officer/Executive Officer,  
Manavalakurichy Town Panchayath,  
Manavalakurichy-Post,  
Kanyakumari District.
5. Mr.V.Kuttirajan

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2<sup>nd</sup> respondent to act upon the direction issued by the 1<sup>st</sup> respondent on 17.05.2024 in Na.Ka.No.2329/2024/ME1.



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W.P.(MD) No.162 of 2024

For Petitioner : No Appearance  
For R1 : Mr.S.Sivashanmugam  
For R2 & R3 : Mr.Edwin Prabhakar  
State Government Pleader

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## **ORDER**

***(By the Hon'ble Acting Chief Justice)***

This Writ Petition has been filed for a direction to the 2<sup>nd</sup> respondent to act upon the direction issued by the 1<sup>st</sup> respondent on 17.05.2024 in Na.Ka.No.2329/2024/ME1.

2. It is the case of the petitioner that he had made a complaint dated 24.04.2024 before the State Election Commission/R1 herein, stating that the 5<sup>th</sup> respondent, who was elected as the President of the Panchayath, was convicted and sentenced to undergo imprisonment for 27 months by the Judicial Magistrate, Eraniel on 22.04.2024 for offences under Section 294(b) and 332 IPC in C.C.No.416 of 2008. Though the 1<sup>st</sup> respondent, vide letter dated 17.05.2024 in Na.Ka.No.2329/2024/ME1, directed the District Collector to conduct enquiry and take action, there is no progress in initiation of action against the 5<sup>th</sup> respondent based on the complaint of the petitioner. Hence, the petitioner is before this Court.

3. Learned State Government Pleader appearing for R2 & R3 stated that challenging the conviction, the 5<sup>th</sup> respondent has preferred an appeal before the



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Principal Sessions Court. Further, the complaint of the petitioner has been forwarded by the 4<sup>th</sup> respondent to the 3<sup>rd</sup> respondent for necessary orders vide

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Na.Ka.No.275/2024/A1 dated 12.06.2024.

4. We are of the view that there is a specific direction to the District Collector to conduct an enquiry against R5 on the ground of his conviction by the Criminal Court and according to the petitioner, no action has been taken by the District Collector on the letter of the 1<sup>st</sup> respondent so far. Under such circumstances, a direction is issued to the District Collector, Kanyakumari District at Nagercoil to conduct enquiry on the complaint dated 24.04.2024 made by the petitioner and take appropriate decision thereon in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the concerned parties.

5. With the above direction, this Writ Petition is disposed of. No costs.

[D.K.K.,ACJ.] [P.B.B,J.]  
08.08.2024

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order

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*W.P.(MD) No.16283 of 2024*

**HON'BLE ACTING CHIEF JUSTICE,**  
**AND**  
**P.B.BALAJI,J.,**  
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To:

1. The District Collector,  
Kanyakumari District at Nagercoil.
2. The Assistant Director of Town Panchayaths,  
Collectorate Campus,  
Nagercoil.

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**08.08.2024**