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WP Nos.30457 of 2019 and 21967 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2024

CORAM:

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

AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

WP Nos.30457 of 2019 and 21967 of 2022

WP Nos.30457 of 2019

1. K.Annadurai

... Petitioner

versus

- 1.The Central Vigilance Commissioner,
Satarkata Bhavan, New Delhi -110023.
- 2.The Secretary,
Ministry of Drinking Water and Sanitation,
Paryaavarn Bhavan, CGO Complex,
Lodhi Road, New Delhi -110003.
- 3.The Secretary to Government,
Panchayat Raj and Rural Development Department,
Fort St.George, Chennai-9.
- 4.The Director of Vigilance and Anti-Corruption,
No.293, M.K.N.Salai, Collector Nagar,

1/9



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Alandur, Chennai-600 016.

5. The District Collector,
Dharmapuri District.

6. Tmt.S.Malarvizhi
District Collector,
Dharmapuri District.

7. V.Manivelan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus, directing the third and fifth respondent to consider the representation dated 31.07.2019 made by the petitioner for granting prosecution permission to prosecute 7th respondent for the alleged irregularities committed in Individual Household Latrine Applications (IHHL Scheme) in the K.Vetrappatti Panchayat, Harur Block and Taluk, Dharmapuri District and pass appropriate orders within the stipulated time as fixed by this Court.

For the Petitioner

:Mr.T.Sundaravadanam

For the Respondents

:Mr.M.Habeeb Rahman
Government Advocate
for respondents 3 and 5
Mr.R.Muniyapparaj
Additional Public Prosecutor
for fourth respondent

W.P.No. 21967 of 2022

G.Raja

... Petitioner

versus

2/9



WP Nos.30457 of 2019 and 21967 of 2022

- 1.The Director,
Directorate Rural Development & Panchayatraj,
Panagal Building,
Saidapet, Chennai-600 015.
- 2.The District Collector,
Mayiladuthurai District,
Mayiladuthurai-609 001.
- 3.The Joint Director,
District Rural Development Agency,
Collector Office Campus,
Mayiladuthurai- 609 001.
- 4.The Block Development Officer (VPT),
Kollidam Panchayat Union,
Kollidam, Sirkazhi Taluk,
Mayiladuthurai-609 102.
- 5.Mrs.Kavitah, Overseer,
Kollidam Panchayat Union,
Kollidam, Sirkazhi Taluk,
Mayiladuthurai -609 102.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus, directing the respondents 1 to 4 to consider the representation of the petitioner dated 10.01.2022 and to direct respondents to take appropriate departmental disciplinary proceedings and criminal proceedings in accordance with law against the 5th respondent.

For the Petitioner

:Mr.S.Anandakumar

For the Respondents

:Mr.M.Habeeb Rahman
Government Advocate



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WP Nos.30457 of 2019 and 21967 of 2022

for respondents 1 to 4

COMMON ORDER

(Made by the Hon'ble Acting Chief Justice)

WP Nos.30457 of 2019

This Writ Petition is filed for a direction to the third and fifth respondent to consider the representation dated 31.07.2019 made by the petitioner for granting prosecution permission to prosecute seventh respondent for the alleged irregularities committed in Individual Household Latrine Applications (IHHL Scheme) in the K.Vetrappatti Panchayat, Harur Block and Taluk, Dharmapuri District and pass appropriate orders within the stipulated time as fixed by this Court.

2. A counter affidavit has been filed by the fifth respondent, wherein it stated that enquiry was conducted by the enquiry officer and after hearing the petitioner and the seventh respondent, the enquiry officer held that the allegation as against the seventh respondent, not proved and the allegations were made with an ulterior motive.



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3. In view of the said statement made in the counter affidavit, the prayer as sought for in the writ petition has become infructuous. Hence, the writ petition is dismissed as infructuous. It is for the petitioner, still aggrieved, to approach before the appropriate forum as per law. Consequently, WMP No.30471 of 2019 is closed.

W.P.No. 21967 of 2022

This Writ Petition is filed for a direction respondents 1 to 4 to consider the representation of the petitioner dated 10.01.2022 and to direct respondents to take appropriate departmental disciplinary proceedings and criminal proceedings in accordance with law against the fifth respondent.

2. A counter affidavit has been filed by the second respondent, wherein it stated that based on the complaint made by the petitioner against the fifth respondent, action has been taken and a report has been submitted by the Assistant Director (Audit) Nagapattinam. In the said report, he has pointed out that there are irregularities in the execution of work under Prime



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Ministers Awaas Yojana (PMAY) Scheme of construction of houses and consequently, the specific charges were framed under Rule 17(b) of Tamil Nadu Civil Service (Discipline and Appeal) Rules against the fifth respondent, Overseer of Kollidam Panchayat vide Rc.0805/RD3/2021 dated 19.12.2012 of the second respondent.

3. It is further stated in the counter-affidavit that the Assistant Director (Audit) Mayiladuthurai has submitted the enquiry report on 26.04.2024. In the enquiry report the Enquiry Officer has concluded that all the 12 count of charges are held proved. Based on the aforesaid report, further proceedings has been initiated by the authority concerned.

4. In view of the above statement made in the counter-affidavit, the prayer as sought for in the writ petition has become infructuous. Hence the writ petition stands dismissed as infructuous. There shall be no order as to costs.

(D.K.K., ACJ.) (P.B.B., J.)
06.08.2024

Index : Yes/No



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Neutral Citation : Yes/No

mrn

To

- 1.The Central Vigilance Commissioner,
Satarkata Bhavan, New Delhi -110023.
- 2.The Secretary,
Ministry of Drinking Water and Sanitation,
Paryaavarn Bhavan, CGO Complex,
Lodhi Road, New Delhi -110003.
- 3.The Secretary to Government,
Panchayat Raj and Rural Development Department,
Fort St.George, Chennai-9.
- 4.The Director of Vigilance and Anti-Corruption,
No.293, M.K.N.Salai, Collector Nagar,
Alandur, Chennai-600 016.
- 5.The District Collector,
Dharmapuri District.
- 6.The Director,
Directorate Rural Development & Panchayatraj,
Panagal Building,
Saidapet, Chennai-600 015.
- 7.The District Collector,
Mayiladuthurai District,
Mayiladuthurai-609 001.
- 8.The Joint Director,
District Rural Development Agency,
Collector Office Campus,
Mayiladuthurai- 609 001.



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THE HON'BLE ACTING CHIEF JUSTICE
and
P.B. BALAJI, J.

(mrn)

9.The Block Development Officer (VPT),
Kollidam Panchayat Union,
Kollidam, Sirkazhi Taluk,
Mayiladuthurai-609 102.

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