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1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2024

CORAM

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

W.P.No.34973 of 2024

M.Saranya

.. Petitioner

Vs.

- 1.The District Collector,
O/o. the District Collector,
Thiruvallur District – 602 001.
- 2.The Assistant Director (Panchayat)
O/o. the District Rural Development Agency,
Thiruvallur District – 602 001.
- 3.The Assistant Director (Audit),
O/o. the District Rural Development Agency,
Thiruvallur District – 602 001.
- 4.The Block Development Officer (Village Panchayat),
Thiruvalangadu Union Panchayat,
Thiruvallur District – 631 210.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 07.10.2024 and consequently direct the 4th respondent to release the amount spent to the Arunkulam Village Panchayat.



For Petitioner .. Mr.L.Ramu
For Respondents .. Mr.S.J.Mohamed Sathik,
Govt. Advocate.

ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction against the 1st respondent, the District Collector, Thiruvallur District, to consider the representation dated 07.10.2024 given by the petitioner and direct the 4th respondent, the Block Development Officer, Thiruvalangadu Union Panchayat, Thiruvallur District to release the amount spent for the Arungkulam Village by the petitioner.

2. It is the case of the petitioner that as President of said panchayat, he had also spent his private money for the welfare of the people. It is not known how he can claim that particular money from the respondents, since if had he spent his private money he would have done so after taking a conscious decision to spend it and he cannot claim reimbursement of the same. Even otherwise, in the counter affidavit, it had been stated that the 1st respondent, District Collector, Thiruvallur District had directed the 3rd respondent, the Assistant Director (Audit), District Rural Development



Agency, Thiruvallur District, to conduct re-audit of the accounts and records of Arunkulam Village Panchayat. Re-audit was done and several financial irregularities committed, according to the respondents, by the petitioner in the panchayat account were determined. The 1st respondent had passed an order under Section 203 of the Tamil Nadu Panchayat Act, 1994 withdrawing the cheque signing power of the petitioner herein.

3. These are all issues which will have to be examined at depth. It is also seen that an earlier writ petition had been filed by the ward members in W.P.No.7729 of 2024 which came up for consideration before a learned Single Judge of this Court. In that writ petition, the petitioner herein was the 5th respondent. The allegation was that the petitioner had misappropriated a sum of Rs.45,00,000/-. The learned Single Judge had disposed of the writ petition by an order dated 10.04.2024. Even the learned Single Judge had directed that necessary action should be taken against the first writ petitioner therein.

4. It is clear from the records that all the members who had been elected namely, Ward Members, President and Vice-President have all indulged merrily in misappropriating the amounts of the panchayat. A



direction is given to the 1st respondent to examine the audit report and pass necessary orders and initiate necessary enquiry in accordance with the provisions of the Act. The enquiry may be initiated not only against the Ward Members but also against the President / Petitioner herein and the Vice-President. A Mandamus as sought cannot be issued. Accordingly, the Writ Petition stands dismissed. No costs.

19.12.2024

Index:Yes/No
Internet:Yes/No
smv

To



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C.V.KARTHIKEYAN,J.



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6



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