



W.P.No.1983 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.1983 of 2024 and
W.M.P.No.2102 of 2024

S.Ganapathi

... Petitioner

Vs.

- 1 The District Collector,
Thiruvallur District,
Thiruvallur 602 001.
- 2 The Tahsildar,
Thiruvallur Taluk,
Thiruvallur 602 001
- 3 The Block Development Officer,
Village Panchayat,
Ellapuram Panchayat Union,
Ellapuram 601 102,
Thiruvallur District.
- 4 The President / Executive Authority,
Vengal Village Panchayat,
Vengal 601 103,
Thiruvallur Taluk and District.



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5 M/s.Win Wind Power Energy Pvt. Ltd.
Rep. by its Managing Director,
Vengal Village 601 103,
Thiruvallur Taluk and District.

6 M/s. Agniti Industrial Parks Pvt. Ltd.,
Rep. by its Managing Director,
121/3, TTK Road, Alwarpet,
Chennai 600 018.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus, calling for the records of the proceedings of the 1st respondent made in Na.Ka.No.2035/2022/A3, dated 02.11.2023 and quash the same, consequently directing the 1st respondent to initiate proceedings under Section 205 as against the 4th respondent for the commissions and omissions set out in the petitioners representation dated 15.12.2022 and complete the same, within a time stipulated by this Court.

For Petitioner : Mr.S.Thirumavalavan

For Respondents

For R1 and R2 : Mr.S.Nanmaran,
Special Government Pleader

For R3 and R4 : Mr.S.P.Karthik
Government Advocate



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ORDER

WEB COPY The petitioner who is the Vice President of Vengal Village Panchayat, has given a representation to the 1st respondent / the District Collector, Tiruvallur District, by alleging certain omissions and commissions which has resulted in the financial loss for the Panchayat. Consequent to his representation, the 1st respondent issued the proceedings in Na.Ka.No.2035/2022/A3, dated 02.11.2023, against which, the petitioner has filed W.P.No.9475 of 2023, seeking direction to the 1st respondent to initiate proceedings against the 4th respondent under Section 205 of the Tamil Nadu Panchayat Act. The said Writ Petition was disposed on 19.04.2023, by directing the 1st respondent to deal with the petitioner's representation dated 15.12.2022 by getting explanation from the 4th respondent. Thereafter, the 1st respondent obtained explanation from the 4th respondent and passed the impugned proceedings dated 02.11.2023. Aggrieved over the same, the present Writ Petition is filed.

2. Mr.S.Thirumavalavan, learned counsel for the Writ Petitioner submitted that even though the representation of the petitioner contained



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various commissions and omissions pertaining to the years 2010 to 2020, the 1st respondent issued orders for initiating enquiry only in respect of violation connected to the financial years 2020-2021, 2021-2022 and 2022 - 2023.

3. It is seen from the impugned order, dated 02.11.2023 that the first respondent has restricted the enquiry only for certain period, without considering the omissions and commissions pointed out by the petitioner in his documents pertaining to other years. It is also submitted by the learned counsel for the petitioner that he had already produced relevant materials regarding omissions and commissions for the years 2010 to 2020 and the same was not considered by the 1st respondent. However, the petitioner is ready to place further documents, if needed for inquiry.

4. In such case, it is up to the 1st respondent to consider the materials already placed and going to be placed by the petitioner, if any, in respect of omissions and commissions pertaining to the years 2010-2020 and pass additional orders, if needed, on merits and in accordance with



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law, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above observation, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

31.01.2024

Index: Yes / No
Speaking order / Non-speaking order
vum

To:

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Thiruvallur Taluk,
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R.N.MANJULA ,J.

vum

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