



W.P(MD)No.6508 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6508 of 2024

and

W.M.P.(MD)Nos.6085 & 6086 of 2024

Peravurani Town Panchayat,
Represented by its Chairman,
Mrs.Shanthi,
W/o.Sekar,
Peravurani,
Thanjavur District.

... Petitioner

Vs.

1.State of Tamil Nadu,
Represented by its Principal Secretary to the Government,
Municipal Administration and Water Supply (TP-II) Department,
Secretariat,
Chennai-600 009.

2.The Director of Town Panchayats,
75, Santhome High Road,
R.A.Puram,
Chennai-600 028.

3.The Assistant Director of Town Panchayats,
District Collectorate,
Thanjavur District.

4.G.Senthil Kumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorari, to call for the records pertaining



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to the impugned letter in Letter No.773/TP.2(2)/2024-4 dated 06.03.2024 on the file of the respondent No.1 and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy
Senior Counsel
for Mr.S.Rajasekar

For Respondents : Mr.T.Villavan Kothai
Additional Government Pleader for R1 to R3

ORDER

Heard the learned senior counsel appearing for the petitioner and the learned Additional Government Pleader appearing for R1 to R3.

2. The fourth respondent herein filed W.P.(MD)No.30139 of 2023 for taking action to disqualify Mrs.Shanthi, Chairman, Peravurani Town Panchayat, Peravurani. Serious allegations were made against her. I disposed of the writ petition on 18.12.2023 in the following terms:-

“2. The petitioner is a contractor. Very serious allegations have been made against the 8th respondent who has been named in person as 9th respondent. Before this Court, two allegations were specifically put forth. The first allegation is that the contracts have been awarded by the local body (Peravurani Panchayat) in favour of the husband and father-in-law of the chair person. The petitioner states that he was awarded with one contract relating to construction of a culvert at pulikutti road. The petitioner specifically states that he did not carry out the contract work for the reason that the bridge was already in existence. While so, the work order was issued and the money was sanctioned and it has also been credited in the petitioner's account. The petitioner states that he is now being pressurized to withdraw the said amount



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and hand over to the 11th respondent. The petitioner states that he has already given a letter in this regard to the Karur Vysya Bank stating that the amount has been wrongly credited. These are serious allegations that definitely warrant enquiry.

3. The first respondent is directed to look into the petitioner's complaint dated 20.11.2023. The first respondent is directed to give personal hearing of exactly 10 minutes to the petitioner herein. Final order shall be passed on the petitioner's complaint on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. Since a direction has been passed at the admission stage itself without putting R8 to R11 on notice, the contentions of the petitioner on the one hand and the private respondents on the other are left open. The issue is left to the discretion of the first respondent. I make it clear that I have not gone into the merits of the matter.”

Pursuant to the direction given by this Court, the first respondent herein passed the impugned communication dated 06.03.2024 calling upon the Director of Town Panchayats, Chennai to conduct a detailed enquiry. The operative portion of the said communication reads as follows:-

“5. On examination of representation dated 20.11.2023 of the petitioner, Director of Town Panchayat's detail report along with the documents produced at the time of enquiry, prima facie is found on the allegations levelled, against the chairman.

6. I am therefore to request you to conduct a detail enquiry in this case and to initiate necessary action on the outcome of the enquiry against the chairman and others for the lapses/violations found in the implementation of alleged schemes in Peravoorani Town Panchayat and to send the action taken report to Government, in due course.”



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3. The learned senior counsel appearing for the petitioner strongly contests the said direction. According to the learned senior counsel, the first respondent could not have delegated the function to the second respondent. He also would add that the second respondent is not the competent authority at all. He drew my attention to the relevant provision under the Tamil Nadu Urban and Local Bodies Act, 1998 which states that it is the Principal District Judge who can disqualify the chairperson of the town panchayat. Likewise, if any irregularity has been committed in the affairs of the local body, it is for the ombudsman to recommend the prosecution. I do endorse the said contention. In my view, the first respondent had merely called upon the second respondent to hold further enquiry and after satisfying himself, initiate necessary action. This can only mean that after satisfying himself fully, the second respondent should refer the matter either the District Judge or the Ombudsman. At this stage, the petitioner's rights have not at all been infringed.

4. With the aforesaid observation, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

18.03.2024

Index : Yes / No
Internet : Yes/ No
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- To
- 1.Principal Secretary to the Government,
Municipal Administration and Water Supply (TP-II) Department,
Secretariat,
Chennai-600 009.
 - 2.The Director of Town Panchayats,
75, Santhome High Road,
R.A.Puram,
Chennai-600 028.
 - 3.The Assistant Director of Town Panchayats,
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G.R.SWAMINATHAN, J.

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