



WP(MD) No.12565 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.06.2024**

CORAM:

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

W.P.(MD) No.12565 of 2024  
and  
W.M.P(MD)No.11217 of 2024

Siva.Meyyanathan

... Petitioner

Vs.

1.The State of Tamil Nadu

Rep. by its Principal Secretary to the Government,  
Rural Development and Panchayat Raj Department,  
Secretariat,  
Chennai – 600 009.

2.The District Collector

District Collectorate Complex,  
Pudukkottai District.

3.The Additional Collector / Project Director,

D.R.D.A (District Rural Development Agency),  
Pudukkottai,  
Pudukkottai District.



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4.The Assistant Director of Panchayats,  
Pudukkottai District,  
Pudukkottai.

5.The Block Development Officer  
Aranthangi Block,  
Pudukkottai District.

6.A.Karunanidhi  
Thanthani Village Panchayat,  
Aranthangi Union,  
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 1<sup>st</sup> respondent to take action based on the petitioner's representation dated 21.04.2024 and thereby conduct an enquiry against the 6<sup>th</sup> respondent and further appoint a permanent panchayat secretary for Thanthani Village Panchayat.

For Petitioner : Mr.M.Rajarajan

For Respondents : Mr.J.Ashok – for R1 to R4

Additional Government Pleader



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Mr.B.Saravanan – for R5  
Additional Government Pleader

**ORDER**

The petitioner has filed this writ petition seeking a Writ of Mandamus to direct the 1<sup>st</sup> respondent to take action based on the petitioner's representation, dated 21.04.2024 and thereby, to conduct an enquiry against the 6<sup>th</sup> respondent and further appoint a permanent Panchayat Secretary for Thanthani Village Panchayat.

2. Heard Mr.M.Rajarajan, learned counsel appearing for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents 1 to 4 and Mr.B.Saravanan, learned Additional Government Pleader appearing for the fifth respondent.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



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4. The petitioner, who is the President of Thanthani Village Panchayat has filed this writ petition seeking direction to the first respondent to take action on the representation of the petitioner, dated 21.04.2024 and to conduct an enquiry against the sixth respondent and further appoint a permanent Panchayat Secretary for Thanthani Village.

5. The learned counsel for the petitioner submitted that the sixth respondent is holding the post of Village Panchayat for several years, despite the petitioner has reported various allegations against him about his misconduct. Though no action has been taken on the allegations made by the petitioner, the sixth respondent has been placed under suspension pursuant to a third party complaint made against him. Now, the concern of the petitioner is that by any chance, the sixth respondent who has been tainted with charges should not hold the post, and hence, the Government respondents should conduct a proper enquiry and appoint a permanent Secretary for the Village Panchayat.

6. So far as disciplinary proceedings against the sixth respondent is concerned, it is within the discretion of the fifth



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respondent to take a decision. However, with regard to the non-appointment of a permanent Secretary to the Village Panchayat, it is for the fourth respondent who has to issue appropriate direction to the appropriate authorities for initiating appropriate action.

7. So far as the relief of enquiry against the sixth respondent is concerned, no relief can be granted, except an observation that the matter lies within the discretion of the appropriate authority and hence, the authority concerned shall take a call depending on the materials available before him.

8. So far as the inaction on the part of the authorities, in appointing the permanent Secretary is concerned, the petitioner's representation shall be taken into consideration and appropriate orders be passed by appraising the situation in hand in an objective manner. Hence, the petitioner's representation made to the first respondent shall be forwarded to the fourth respondent with a copy of this order for initiation any action in this regard.



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9. With the above direction, this writ petition is **disposed**  
**of.** No costs. Consequently, connected miscellaneous petition is  
closed.

**14.06.2024**

Index : Yes / No  
Internet : Yes / No  
NCC : Yes / No

RM



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**R.N.MANJULA, J.**

RM

Order made in  
W.P.(MD)No.12565 of 2024

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