



W.P(MD)No.12527 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

W.P(MD)No.12527 of 2024

V.Ayyar

... Petitioner

VS.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Block Development Officer,
Usilampatti Panchayat Union,
Madurai District.
- 3.Arvinth,
Project Officer,
District Rural Development Agency,
Madurai District, Collectorate,
Madurai.
- 4.Kannan,
Block Development Officer,
Usilampatti Panchayat Union,
Madurai District.
- 5.M.Bharathidasan,
Assistant Project Officer (Scheme),
District Rural Development Agency,
Madurai.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the fifth respondent herein appointed as Enquiry Officer by the first respondent to complete enquiry expeditiously within time frame fixed by this Court and also directing the first respondent to take necessary action against the third and fourth respondents for colluding and creating fake report and swindling of more than Rs.2 Crores of Government money collected from illegal occupation of shops owned by Usilampatty Panchayat Union within the period of 2021-2022 without remitting to Government account based on the petitioner's complaint dated 11.07.2023 and 28.09.2023.

For Petitioner	: Mr.A.Mithun Chakravarthi
For Respondents	: Mr.P.Thilak Kumar Government Pleader for R.1 & R.2

ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

The prayer sought for in this Writ Petition is for a Writ of Mandamus, to direct the fifth respondent herein, who was appointed as an Enquiry Officer by the first respondent, to complete the enquiry expeditiously within the time frame fixed by this Court and also directing the



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first respondent to take necessary action against the third and fourth respondents for colluding and creating a fake report and swindling of more than Rs.2 Crores of Government money collected from illegal occupation of shops owned by Usilampatty Panchayat Union within the period of 2021-2022 without remitting to Government account based on the petitioner's complaint dated 11.07.2023 and 28.09.2023.

2.When the Writ Petition is taken up for hearing today at the admission stage, Mr.P.Thilak Kumar, learned Government Pleader appearing for the official respondents, has submitted that the fifth respondent being the Enquiry Officer has completed the enquiry and he has given the final report, dated 01.02.2024. The learned Government Pleader has also produced a copy of the said report and copy of which also has been served on the learned counsel appearing for the petitioner.

3.Since the enquiry has been completed and the report has been filed, the first part of the prayer has been accomplished. Insofar as the second part of the prayer to take action against the respondents 3 and 4 is concerned, as the enquiry officer's report has given a clean chit against the fourth respondent and therefore, whether such a decision taken by the



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Enquiry Officer is correct or not cannot be gone into at this stage as the prayer sought for in this Writ Petition is only to complete the enquiry and to give a report and to take action against the fourth respondent based on the enquiry report.

4.Since the enquiry has been completed and a report also has been filed where the clean chit has been given in respect of the fourth respondent even such a consequential prayer sought for in this Writ Petition cannot be granted.

5.However, Mr.A.Mithun Chakravarthi, learned counsel appearing for the petitioner, has submitted that even as on today number of shops and the chandy are being run by various people, where there has been no rent paid by them to the Panchayat Union. However, according to the learned counsel appearing for the petitioner, in the records of the Panchayat Union, it has been shown that those shops are kept closed.

6.If this is his grievance which gives him to raise a new cause of action, certainly on that basis, it is open to the petitioner to agitate the issue afresh with regard to the aforesaid allegation and therefore, with the



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[R.S.K.,J.] [G.A.M.,J.]
13.06.2024

NCC : Yes / No
Index : Yes / No
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To

- 1.The District Collector,
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R.SURESH KUMAR,J.
and
G.ARUL MURUGAN,J.

ps

ORDER MADE IN
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DATED : 13.06.2024