



W.A.(MD)No.1390 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.01.2024**

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.A.(MD)No.1390 of 2015

C.Elamurugan

...Appellant

/Vs./

1. The Chief Secretary to The Government,
Government of Taminadu,
Fort St George, Chennai.
2. The Principal Secretary To Government,
Government of Tamilnadu,
Rural Development and Panchyat Raj Department,
Fort St George,
Chennai.
3. The Inspector of Panchayats and the District Collector,
Dindigul District, Dindigul.
4. The Block Development Officer (Village Panchayat),
Gujiamparai Panchayat Union,
Gujiliamparai,
Vedasendur Taluk, Dindigul District.



W.A.(MD)No.1390 of 2015

5. The President,
Alambadi Village Panchayat,
Gujiliamparai,
Vedasendur Taluk,
Dindigul District.

...Respondents

PRAYER:- Writ Appeal - filed under Clause XV of Letters Patent Act, to set aside the order dated 28.08.2015 made in W.P.(MD)No.19001 of 2014 on the file of this Court and allow this appeal.

For Appellant : Mr.V.Balaji
For Respondents : Mr.A.K.Manikkam (R1 to R4)
Special Government Pleader
Mr.M.Saravanan (R5)

JUDGMENT

DR.G.JAYACHANDRAN, J.
AND
C.KUMARAPPAN, J.

This appeal is filed by the writ petitioner, who is aggrieved by the dismissal of the writ petition filed for issuance of writ of certiorarified mandamus pertaining to order dated 28.10.2014 passed by the Inspector of Panchayats and the District Collector, Dindigul. The



W.A.(MD)No.1390 of 2015

order impugned in the writ petition is the response by the District Collector / Inspector of Panchayats in respect of the complaint given by the writ petitioner / appellant alleging misappropriation of funds by the Panchayat President.

2. The learned Single Judge, considering the averments made in the writ affidavit had thought fit that writ lacks merit and liable to be dismissed. Accordingly, the writ petition was dismissed. Reasoning for the dismissal is extracted below:-

“8. It is seen that this case has got chequered history. According to the petitioner there are financial irregularities in the matter of handling of finance in the fifth respondent Panchayat's Union. In order to prove those allegations, the petitioner incessantly obtained information from various authorities concerned by approaching this Court. As per direction of this Court, he was given an opportunity of hearing. According to the third respondent, in the years 2011-2012 and 2012-2013, the said Panchayat had been audited and audit objections have been done in accordance with the Rules. Either in the audit reports of Village Panchayat or in test audit report of Assistant Director of Rural Development (Audit), there is



WEB COPY



W.A.(MD)No.1390 of 2015

no mention of any grave irregularities as alleged by the petitioner. Further, even in the Local Fund Audit Department Audit also, there was no mentioning of any grave irregularities or violation of rules with regard to the said Panchayat. Hence, the alleged allegation is not substantiated by concrete evidence. Eventually, the petitioner could not prove the allegations as against the fifth respondent herein. As the third respondent, is the Inspector of Panchayats, has passed orders based on the who records available, more particularly, in tune with the Audit Report of the said Panchayat and the report of Deputy Block Development Officer (Audit) and Block Development officer, in my considered opinion, there is no necessity to appoint an Expert Committee to go into the allegations as against the fifth respondent as alleged by the petitioner in this Writ Petition. Further, it cannot be said that the petitioner has personally affected by order impugned in this Writ Petition. The materials on record would show that sufficient opportunity was given to the petitioner and an enquiry was also conducted by the official respondents and the ultimately, the Inspector of Panchayat has come to conclusion that no substantial materials have been placed as against the fifth respondent herein to consider the claim of the petitioner. Therefore, there is no need to entertain the prayer made by the petitioner in the present Writ Petition.”



W.A.(MD)No.1390 of 2015

WEB COPY

3. The learned counsel appearing for the appellant submitted that the learned Single Judge ought to have considered that the District Collector has given an evasive reply for the specific allegation made about misappropriation of fund and even when the writ petitioner / appellant sought for information through Right To Information Act, 2005, (RTI), no proper information was provided. From the response to the RTI query and the explanation by the Inspector of Panchayats read together would clearly show that the money spent for purchase of hand pumps was not properly utilized and an amount of Rs.2,72,542/- allotted towards maintenance of hand pumps has been misappropriated leading to disfunctioning of the hand pumps.

4. The learned counsel for the appellant further submitted that the learned Judge has been carried away by a wrong impression that the writ petition has been filed with personal malice against the President and whereas only in the public interest, the writ petition has been filed being aware of the fact that the public fund has been grossly misappropriated and misused by the respondents.



W.A.(MD)No.1390 of 2015

5. The learned Special Government Pleader appearing for the

State submitted that the allegations made by the writ petitioner / appellant are vague, bald and mischievous. There is no material to probe into the allegation of misappropriation of fund. The account of the Panchayat has been duly audited as per the Rules and no suspicious act has been found during audit. The representation of the writ petitioner / appellant was duly considered and personal hearing was also given to the writ petitioner / appellant and thereafter, the Inspector of Panchayats, namely District Collector passed the proceedings dated 28.10.2014. When this proceedings was challenged in the writ petition, the learned Judge, on considering the materials placed on either side, found that the writ petition deserves to be dismissed since it lacks merit. Even in the appeal, the writ petitioner / appellant is unable to place any material except some unsubstantiated allegations which cannot be a ground to initiate any proceedings.

6. This Court, on considering the rival submissions and perusal of the records note that the writ petitioner / appellant made three



W.A.(MD)No.1390 of 2015

specific allegations; i) hand pumps which were erected in the village panchayat were not properly maintained; ii) The funds allotted for maintenance of hand pumps have been misappropriated; and iii) hand pumps which were erected were later removed or stolen and not found in the place of erection.

7. The explanation of the Panchayat reveals that the hand pumps were erected wherever there is adequate source of water. They are functioning and maintained from the funds allotted. At places where there is no water due to draught, they are not in use, but once water source gets percolated, they will be again put to use. There is no contra material to disbelieve the statement of the authorities. In the said circumstances, this Court finds no reason to interfere with the order of the learned Single Judge and hence, this writ appeal is dismissed. No costs.

[G.J.J.] & [C.K.J.]
03.01.2024

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

7/8



WEB COPY



W.A.(MD)No.1390 of 2015

DR.G.JAYACHANDRAN, J.

AND

C.KUMARAPPAN, J.

sm

TO:-

1. The Chief Secretary to The Government,
Government of Taminadu,
Fort St George, Chennai.
2. The Principal Secretary To Government,
Government of Tamilnadu,
Rural Development and Panchyat Raj Department,
Fort St George,
Chennai.
3. The Inspector of Panchayats and the District Collector,
Dindigul District, Dindigul.
4. The Block Development Officer (Village Panchayat),
Gujiamparai Panchayat Union,
Gujiliamparai,
Vedasendur Taluk, Dindigul District.

Judgment made in
W.A.(MD)No.1390 of 2015

Dated:
03.01.2024