



WP(MD). No.28402 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.11.2024

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE Dr.JUSTICE A.D.MARIA CLETE

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K.Azhagarsamy

... Petitioner

Vs

1. The Government of Tamilnadu,
Represented by its Secretary,
Department of Rural and Panchayat Raj Development,
Fort St. George, Chennai..
2. The District Collector Cum Inspector of Panchayat,
Collectorate Campus,
Ramanathapuram District..
3. The District Assistant Director of Panchayat,
Collectorate Campus,
Ramanathapuram District..
4. The Block Development Officer,
(Village Panchayats),
Paramakudi, Ramanathapuram District..
5. The President,
Kamuthakudi Village Panchayat,
Paramakudi Taluk,
Ramanathapuram District..



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6. A.Devapriyadharshini,
Block Development Officer
(Village Panchayats),
Paramakudi,
Ramanathapuram District..

7. Kavitha,
W/o.Mohan,
President,
Kamuthakudi Village Panchayat,
Ramanathapuram District..

8. Mohan,
S/o.Raman,
Athiyanendhal Village,
Vengaloor Post,
Paramakudi Taluk,
Ramanathapuram District..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the 1st and 2nd respondents to enquire into the petitioner's representation dated 30.09.2024 and to appoint the special officer to conduct enquiry for the irregularities committed in petitioners panchayat and thereby taken action against the 6th and 8th respondent herein in accordance with law.

For Petitioner : Mr.K.Azhagarsamy
Petitioner in person

For Respondents : Mr.P.Thilak Kumar for R1 to R4
Government Pleader



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ORDER

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(Order of the Court was made by M.S.RAMESH,J.)

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

2. Since no adverse order is going to be passed against the respondents 5 to 8, notice to the respondents 5 to 8 is dispensed with.

3. This writ petition has been filed for a mandamus to direct the 1st and 2nd respondents to enquire into the petitioner's representation dated 30.09.2024 and to appoint a special officer to conduct enquiry for the irregularities committed in petitioner's panchayat and thereby take action against the 6th and 8th respondent herein in accordance with law.

4. The petitioner herein had given a representation on 30.09.2024 to the respondents 1 and 2 to appoint a special officer to conduct enquiry in order to unearth the irregularities committed in the Kamuthakudi village panchayat. Since the said representation was not considered so far, the present writ petition has been filed.



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5. It is needless to point out that whenever a representation of this nature is made to Statutory Authorities, there is a duty cast upon them to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, there shall be a direction to the respondents 1 and 2 herein to consider the petitioner's representation dated 30.09.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondents 5 to 8 herein, as well as all other persons, who may be interested, within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the concerned respondents to consider the same on its own merits.



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7. With the above direction, the Writ Petition stands disposed of.

No costs.

[M.S.R.,J]

[A.D.M.C.,J]

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Index : Yes / No

Internet : Yes

RR

TO

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