



W.P.No.18426 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.18426 of 2018

Karthikeyan

...Petitioner

-Vs-

1.The District Collector,
Villupuram District,
Villupuram.

2.The Assistant Director of Panchayats,
Villupuram District,
Villupuram.

3.The Block Development Officer,
Vallam,
Gingee Taluk,
Villupuram District.

4.Elumalai,
Secretary,
Sandisatchi Village Panchayat Board,
Illodu Post,
Gingee Taluk,
Villupuram District.

5.Geetha Arun,
Former President,
Sandisatchi Village Panchayat Board,
Illodu Post, Gingee Taluk,
Villupuram District.

...Respondents



W.P.No.18426 of 2018

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the 1st respondent to take action on the complaint dated 18.06.2018 and to take appropriate action on the 4th and 5th respondents to recover the panchayat funds from them to the tune of Rs.6,34,988/- and pass such further orders.

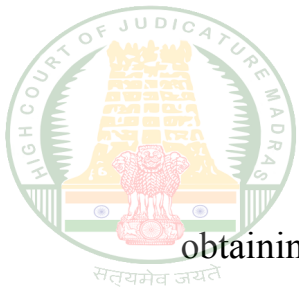
For Petitioner : Mr.A.Kumana Raja

For Respondents : Mr.N.Naveen Kumar
Government Advocate

ORDER

This writ petition has been filed to direct the 1st respondent to take action on the complaint dated 18.06.2018 and to take appropriate action on the 4th and 5th respondents to recover the panchayat funds from them to the tune of Rs.6,34,988/-.

2. Learned counsel appearing for the petitioner would submit that the sandisatchi village is being administered under the Panchayat Raj Act which is constituted in the year 1963. During the election conducted in the year 2014 for local administration, the 5th respondent herein was elected to the post and was functioning in the manner known to law. However, on

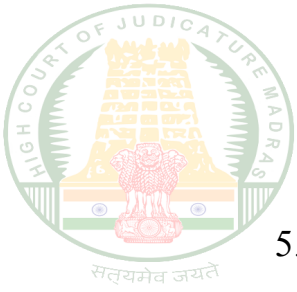


W.P.No.18426 of 2018

obtaining certain information under the Right to Information Act from the Assistant Director (Auditing) Villupuram, it was disclosed that funds of the Panchayat to the tune of Rs.6,34,988/- were missing, and the same was attributed to the 4th and 5th respondents. Subsequently, the petitioner sent a complaint dated 18.06.2018 to the 1st respondent, District Collector, Villupuram District, and also to the District Superintendent of Police, Villupuram, to take action. Due to inaction on behalf of the first respondent, the petitioner has come up with the present writ petition.

3. Learned counsel would further submit that he get the information that the above said amount has been misused by respondents 4 and 5 by way of RTI reply dated 18.05.2018. Thereafter, he filed the writ petition on 18.07.2018.

4. Learned Government Advocate appearing for the respondents would submit that the term of the Secretary, 4th respondent herein, would be changed once in three years to another Panchayat Board. In regard to 5th respondent herein, she is the Former President of Sandisatchi Village Panchayat Board, and her tenure got over in the year 2016 itself.



W.P.No.18426 of 2018

5. He further submitted that the application has been preferred by the petitioner after a delay of 2 ½ years, that too after getting information under RTI on 18.05.2018, and there is a dispute between the petitioner and the 4th respondent.

6. Heard both sides and perused the materials available on record.

7. In the case on hand, even assuming the amount has been misappropriated by respondents 4 and 5, the application ought to have been given before the tenure, which got over in the year 2016, but after a delay of 2 ½ years obtaining the information under RTI on 18.05.2018 and given a complaint dated 18.06.2018 to the first respondent, District Collector, Villupuram, to take action on respondents 4 and 5 is unsustainable and untenable in law.

In the result, the **writ petition stands dismissed with the above observations.** No costs.

21.02.2025

cda

Index : Yes/No

Speaking/Non Speaking order



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W.P.No.18426 of 2018

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W.P.No.18426 of 2018

J.SATHYA NARAYANA PRASAD, J.

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W.P.No.18426 of 2018

21.02.2025