



W.A.No.2923 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 06.03.2025

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.No.2923 of 2024

M.Raja .. Appellant

v.

1. K.Parimala
2. The District Collector
Dharmapuri
3. The Assistant Director
Rural Development (Panchayat)
Dharmapuri District
Collector's Office, Dharmapuri
4. The Block Development Officer
(Village Panchayat)
Kadathur Revenue Block
Kadathur Village Panchayat Office
Kadathur, Dharmapuri District

5. Renuka .. Respondents

Memorandum of Grounds of Writ Appeal filed under Clause 15 of the



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Letters Patent against the order dated 29.07.2024 passed in W.P.No.9502 of 2024.

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For Appellant :: No appearance

For Respondents :: Mr.R.N.Amarnath
for Mr.A.Maheshnath for R1
Mrs.V.Yamuna Devi
Special Government Pleader for
R2 to R4
No appearance for R5

JUDGMENT

(Judgment of the Court was made by S.M.SUBRAMANIAM,J.)

The matter was listed for hearing on 24.02.2024. Since none appeared on behalf of the appellant, this Court directed the Registry to list the matter under the caption 'for dismissal'. When the matter is called today, again no one appeared for the appellant.

2. The learned Special Government Pleader appearing on behalf of the respondents 2 to 4 would submit that the tenure of the appellant/elected President expired on 05.01.2025. Therefore, no adjudication on merits is required.



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3. Mr.R.N.Amarnath, learned counsel appearing on behalf of the first

respondent would submit that the appellant, in his capacity as President, has involved in misappropriation of funds regarding award of contracts and such allegations are to be enquired into by the District Collector. The District Collector has already initiated action and the Panchayat has passed a resolution to remove the President. However, he continued in the post of President by virtue of an interim order granted by this Court.

4. By securing interim order in writ proceedings or writ appeal proceedings, the person accused of misappropriation of funds or illegal award of contracts cannot be allowed to escape from the clutches of legal proceedings even after expiry of his tenure. In other words, interim order would not provide any protection for seeking exoneration from such nature of allegations, which are all misconducts, offences, misappropriation etc. The allegations are to be enquired into by following the procedures and if prima facie materials are available then, criminal prosecution and actions to recover the financial loss are to be initiated.



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5. In view of the above facts that the appellant continued as President

by virtue of an interim order, the District Collector, Dharmapuri, the second respondent herein is directed to proceed with all further actions based on the complaint already received and complete the process of enquiry as expeditiously as possible by following the due procedures. The District Collector shall pass final orders under the relevant provisions of the Act. With this direction, the writ appeal stands dismissed. Consequently, C.M.P.No.21589 of 2024 is also dismissed. No costs.

Index : yes

Neutral citation : yes/no

(S.M.S.,J.) (K.R.S.,J.)

06.03.2025

SS

To

1. The District Collector
Dharmapuri
2. The Assistant Director
Rural Development (Panchayat)
Dharmapuri District
Collector's Office, Dharmapuri



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3. The Block Development Officer
(Village Panchayat)
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S.M.SUBRAMANIAM,J.

AND

K.RAJASEKAR,J.

SS

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