



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2025

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THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WA No. 3294 of 2024

AND

CMP NO. 25591 OF 2024

1. R.Ponnusamy

The President, Ramapattinam Village
Panchayat, Pollachi Taluk, Coimbatore
District.

Appellant(s)

Vs.

1. R.C.Ramaraj

4/84, Amman Colony,
Ramanathapuram, Mannur Post,
Pollachi Taluk, Coimbatore District.

2.The Government Of Tamilnadu,
Rep. By Its Principal Secretary,
Rural Development Department,
Fort St. George, Chennai -600009.

3.The District Collector,
Coimbatore District.

4.The Assistant Director Of Rural
Development (panchayat),
Coimbatore.



5. The Ombudsperson(MGNREGS),

MGNREGS-PMAY-G Scheme,

District Rural Development Camp,

Office Of The District Collector,

Coimbatore -641018.

Respondent(s)

PRAYER

To set aside the order passed in W.P.No.16436 of 2024 dated 01.10.2024 by this Hon'ble Court.

For Appellant(s): Mr.V.Vasudevan

For Respondent(s): Mr.K.Raja For M/s.
P.Muthukrishnan And Mr.Babu
For R1
Mr.E.Veda Bagath Singh SGP
For R2 to R5

JUDGMENT

(Judgment was delivered by S.M.Subramaniam J.)

The writ order dated 01.10.2024 passed in W.P.No.16436 of 2024 is under challenge in the present writ appeal. The 5th respondent in the writ petition is the writ appellant before this Court.

2. The 1st respondent had instituted the writ proceeding challenging the

order dated 30.04.2024 issued by the Assistant Director of Rural Development



(Panchayat), Coimbatore. The 5th respondent sought for a direction to remove the appellant from the post of President of Ramapattinam Village Panchayat under Section 205 of the Tamil Nadu Panchayat Act, 1994.

3. Mr.K.Raja, the learned counsel for the 1st respondent would submit that the appellant was involved in a huge misappropriation of Panchayat funds related to the construction of seven check dams, and complainants were registered. The Ombudsman conducted an inquiry and submitted a report.

4. With reference to the complaint and inquiry conducted, the writ Court has made the following observations:

“9. That apart, from the perusal of the explanation submitted by the fifth respondent also revealed that, without even knowing that the construction of the check dam is coming under the Public Works Department, the fifth respondent disbursed the salary to the labourers and also purchased materials and thereby misappropriated huge money of the Ramapattinam Village Panchayat. Therefore, the fourth respondent found prima facie case to initiate action as against the fifth respondent



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as per the 3 set of charges and awards. Even then, the second respondent exonerated the fifth respondent by considering the one set of charge alone.

10. In view of the above, this Court finds infirmity in the order passed by the third respondent and it cannot be sustained and is liable to be quashed. Accordingly, the impugned order passed by the third respondent dated 30.04.2024 is hereby quashed. The second respondent is directed to take appropriate action as against the fifth respondent under Section 205 of the Tamil Nadu Panchayat Act, 1994, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5. The learned Special Government Pleader appearing on behalf of the respondents 2 to 5 would submit that the appellant's term as Village Panchayat President expired on January 5, 2025. Consequently, no further consideration is required regarding the relief sought for to remove the President. However, regarding the misappropriation of Panchayat funds, the actions initiated must be continued. If charges are proved, the financial loss caused to the Village Panchayat must be recovered from all concern by following the due procedures



as contemplated under the Act and Rules.

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6. It is needless to state that expiry of term of President does not exonerate liability for the misappropriation charges. Thus, the authority shall proceed with all actions and ensure that the financial loss caused is fully recovered as expeditiously as possible. If necessary, criminal prosecution must be launched under the provisions of law.

7. With these observations, the Writ Appeal stands disposed of. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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