



W.P.Crl.(MD)No.1036 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.08.2025

CORAM:

THE HONOURABLE **Dr. JUSTICE R.N.MANJULA**

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M.Palanisamy

... Petitioner

Vs

- 1.The District Collector,
Office of the Collectorate, Pudukkottai.
- 2.The Superintendent of Police,
Southern Range, Vigilance and Anti-Corruption,
Chennai-16.
- 3.The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
PUdukkottai.
- 4.The Inspector of Police,
Vigilance and Anti-Corruption, PUdukkottai.
- 5.The Project Director,
District Rural Development Agency,
Pudukkottai.
- 6.The Assistant Director of Panchayat,
Office of the Assistant Director of Panchayat,
Pudukkottai, Pudukkottai District.
- 7.Chandra
- 8.Sakthivel
- 9.Singaravelan

... Respondents



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PRAYER: Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the third respondent to complete the enquiry in a speedy manner on the complaint of the petitioner dated 08.07.2025 and take further action.

For Petitioner : Mr.D.Senthil

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor
for R2 to R4
Mr.S.Vinodh
Government Advocate
for R1,R5&R6

ORDER

This writ petition has been filed seeking for a writ of mandamus directing the third respondent to complete the enquiry in a speedy manner on the complaint given by the petitioner dated 08.07.2025 and take further action and to pass orders.

2. The petitioner is the resident of Vairampatti Village, Pudukkottai District. He has alleged that the respondents 7 and 8 are involved in a large scale misappropriation of panchayat funds and interfered with the administration of the panchayat.



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3. The seventh respondent was elected as the President of the petitioner village panchayat and he was functioning as the President of the village panchayat for a period between 2019 to 2024 and the eighth respondent is the husband of the seventh respondent. It is alleged that both of them have looted the panchayat funds by way of forging signatures and creating fraudulent documents. It is further alleged that the respondents 7 and 8 have committed fraud by misappropriating the panchayat's amount of Rs.98,000/- on the pretext of laying drainage pipeline in the main street. The ninth respondent, who is the Block Development Officer staff, also colluded with the respondents 7 and 8 and shared the commission amounts. In this regard, the fifth respondent, who is the Project Director, conducted enquiry and passed order directing to return the amount, but no amount has been remitted by the private respondents. The authorities also did not take any steps to recover the amount from the seventh respondent, despite his tenure is completed.

4. The petitioner and others have given a complaint against the private respondents, based on which, the fifth respondent



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has initiated proceedings and called for report from the concerned department. It is the grievance of the petitioner that the respondents 2 to 4 did not complete the preliminary enquiry based on the above said complaint and no case has been registered against the private respondents so far. Hence, the petitioner has filed this petition seeking direction to the third respondent to complete enquiry and take further action against the private respondents.

5. Heard both sides.

6. The learned Government Advocate submitted that as per the Tamil Nadu Local Bodies Ombudsman Act 2014 (hereinafter referred to as 'the Act 2014'), a person who is having a grievance about corruption or misadministration of a public servant or a local bodies, can file a complaint before the Ombudsman and action can be initiated by the Ombudsman under Section 7 of the Act 2014.



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7. For a better clarity, Section 7 of Act 2014 is extracted as under:

***“Section 7 in Tamil Nadu Local Bodies Ombudsman Act,
2014***

7. Functions of Ombudsman.

- The Ombudsman shall perform all or any of the following functions, namely :-

(i) enquire into any written complaint from the Government or that has come to the notice of the Ombudsman in which corruption or maladministration of a public servant or a local body is alleged;

(ii) pass an order on the proved allegation in the following manner, namely :-

(a) where the irregularity involves a criminal offence committed by a public servant, the matter shall be referred to the appropriate investigating agency for necessary action;

(b) where the irregularity involves loss of the fund of the local body, order recovery of such loss from those who are responsible for such irregularity;

(c) where the irregularity is due to wilful negligence or dereliction of duty of any officer or employee of the local body, recommend for departmental action by the appropriate authority under the relevant rules. “



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8. In the instant case, the petitioner has alleged that the seventh respondent in his capacity as the President of village panchayat has misappropriated the panchayat's funds and unlawfully engaged himself with the connivance of her husband, eighth respondent. Since the petitioner has alleged misuse of public office by the seventh respondent, the appropriate course action would be for the petitioner to file a written complaint, thereby enabling the competent authority/Ombudsman to pass appropriate order within his power confers under Section 7 of the Act.

9. The petitioner has filed this petition without exhausting the statutory remedy available to him. In the letter sent by the second respondent to the petitioner, information has been given to the petitioner that his complaint was processed as per the guidelines issued in G.O.Ms.No.173, P&AR (N) Department, dated 19.12.2018 and provisions of DVAC Manual in para-10(3) and it requires verification of documents by the concerned department and hence, it has been forwarded to the Collector of Pudukkottai.



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10. As the petitioner has made a generalised allegations without basing of any documents, the second respondent has followed the right procedure.

11. As an alternative remedy is available to the petitioner and the nature of the complaint filed before the second respondent limits the scope of further action, this Writ Petition is disposed of with the above observations.

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NCC :Yes/No
Index:Yes/No
Rmk

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5.The Project Director,
District Rural Development Agency,
Pudukkottai.

6.The Assistant Director of Panchayat,
Office of the Assistant Director of Panchayat,
Pudukkottai, Pudukkottai District.

7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.N.MANJULA. J.

Rmk

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