

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.8753 of 2014 and M.P.Nos.1 and 2 of 2014

N.Uma  
w/o N.Madesh  
Vice President  
Jagir Kodapally Village Panchayat  
Thally Block, Krishnagiri District

...Petitioner

Vs

1. The District Collector (Inspector of Panchayats)  
Krishnagiri District, Krishnagiri
2. The Block Development Officer (VP)  
Thally Panchayat Union,  
Krishnagiri District
3. Mr.A.Narayana  
President,  
Jagiru Kodipally Village Panchayat  
Thally Block, Krishnagiri District

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the order bearing Na.Ka.No.A3/318/2014 dated 06.02.2014 of the 1<sup>st</sup> respondent and quash the same.

For Petitioner : Mr.V.Suthakar

For Respondents: Mr. P.Chinnadurai

Government Advocate for R1 and R2

Mr.E.P.Senniyangiri for R3

O R D E R

Heard Mr.V.Suthakar, learned counsel appearing for the petitioner and Mr.P.Chinnadurai, learned Government Advocate appearing for the first and second respondents and Mr.E.P.Senniyangiri, learned counsel appearing for the 3<sup>rd</sup> respondent.

2.The petitioner is elected Vice President of Jagir Kodapally Village Panchayat. The challenge in the Writ Petition is to the order dated 06.02.2014 by which she has been removed from the capacity of Vice president and handed over to the 2<sup>nd</sup> Panchayat ward member.

3.The petitioner would challenge that the impugned proceedings is illegal and without issuing show cause notice and there is no specific allegation against the petitioner. The petitioner would state that the legal issue in this Writ Petition is covered by the decision of the Hon'ble Madurai Bench of this Court in the case of C.Ashokkumar Vs. The District Collector in Writ Appeal (MD) No.579 of 2010 dated 05.01.2011.

4.The learned counsel appearing for the respondents 2 and 3 submitted that the petitioner refused to sign the cheques and co-operate in the administration of the Panchayat and she was always insisting that unless and until her husband permits to sign the cheque, she will not sign and such other matters. Therefore it is submitted that the impugned order has been passed by removing the cheque signing power from the petitioner and entrusted to the effective ward member.

5.Though there may be some allegations against the cheque power granted to the petitioner to sign the panchayat cheques, the petitioner should be removed only in the manner as contemplated under the Law. If the petitioner found to be not co-operated in the affairs of the Panchayat, she has to be issued notice clearing spelling out the allegations against the petitioner and the petitioner should be informed as in respect of what cheque she has refused to sign and without such matters, the 2<sup>nd</sup> respondent asking the petitioner to appear for enquiry will not commit statutory requirement or it is in connivance with the principles of natural justice.

6.The above decision has been fortified by the Hon'ble Division Bench of this Court. In the said decision, identical circumstances arose for consideration and the Division Bench observed that it is

elementary principle of law that a show cause notice issued to a person before taking any action, must contain the allegations levelled against him in a specific manner so that he will be in a position to controvert or deny the allegation. Without making any imputation merely merely calling a person to appear for an enquiry is in violation of principles of nature justice.

7.The said decision clearly applies to the case in hand. Following the same decision and considering the factual position, this Court has no hesitation to set aside the impugned order and accordingly the impugned order is quashed and the Writ Petition is allowed and the respondents 1 and 2 are directed to restore back the signing power to the petitioner. However, this will not prevent the respondents 1 and 2 to initiate action against the petitioner in the manner known to law. Consequently connected miscellaneous petitions are closed. No costs.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1. The District Collector (Inspector of Panchayats)  
Krishnagiri District, Krishnagiri
2. The Block Development Officer (VP)  
Thally Panchayat Union,  
Krishnagiri District

1 cc to Mr.V. Suthakar, Advocate, Sr. 6069

1 cc to Government Pleader, Sr. 5645

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