

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.31786 of 2014

S.Vijayakumar

...Petitioner

Vs.

1. The District Collector,
Thiruppur.
2. The Block Development Officer,
Udumalpet,
Thiruppur District.
3. The Panchayat President,
Periya Valavadi Panchayat,
Udumalpet Taluk,
Thiruppur District.
4. D.Kokilavani

...Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Certiorari, to call for the records pertaining to the impugned resolution No.77 dated 20.11.2014, passed in the third respondent Panchayat and quash the same and pass appropriate orders on the same within a stipulated time.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.R.Vijayakumar AGP for RR1&2

Mr.R.Ravichandran AGP for R3

No Appearance for R4

O R D E R

By consent of the learned counsels on either side, the writ petition is taken up for final disposal.

2. Heard Mr.R.Nalliyappan, learned Counsel appearing for the petitioner, and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents 1 and 2 and Mr.R.Ravichandran, learned Additional Government Pleader appearing for the third respondent.

3. The petitioner seeks for issuance of a Writ of Certiorari, to quash the Resolution No.77, dated 20.11.2014 passed by the third respondent Panchayat.

4. The petitioner is Vice President of the Village Panchayat and according to him he has given complaint against the fourth respondent, who is the President of the Village Panchayat. However, the fourth respondent appears to have convinced the other Panchayat Members to pass a resolution as against the petitioner. Challenging the same, the petitioner is before this Court.

5. It is seen that as on date, the resolution has not been implemented or accepted by the District Collector, who is the Inspector of Panchayat, it remains only as a resolution. Therefore, the petitioner need not have any apprehension that merely because the resolution was passed by the Panchayat, automatically the District Collector will withdraw the cheque signing power of the petitioner. There is a procedure contemplated under the Act which has to be followed by the petitioner as pointed out by the Hon'ble Division Bench of this Court in the case of Pugazhendran vs. B.G.Balu reported in 2005 (1) CTC 545.

6. In the light of the above, the Writ Petition is disposed of by observing that merely because the resolution has been passed by the Panchayat, it does not automatically follow that the cheque signing power of the petitioner will be withdrawn and it is for the first respondent to consider the same only after issuing notice to the petitioner. In this regard, the first respondent should take note of the decision of the Hon'ble Division Bench of this Court in the case of Pugazhendran vs. B.G.Balu reported in 2005 (1) CTC 545 and the decision of this Court in the case of P.Rajendran Vs. The District Collector, reported in CDJ 2007 MHC 5259, which was rendered

following the decision of the Hon'ble Division Bench of this Court and pass order on merits and in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

pbn

To

1. The District Collector,
Thiruppur.
2. The Block Development Officer,
Udumalpet,
Thiruppur District.
3. The Panchayat President,
Periya Valavadi Panchayat,
Udumalpet Taluk,
Thiruppur District.

1 CC to Mr.R.Nalliyappan, Advocate SR.No. 10451

1 CC to Mr.R.Ravichandran, Advocate SR.No. 10729

W.P. No.31786 of 2014

NM (CO)
PSI (13.03.2015)

WEB COPY