

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2015

C O R A M

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.18610/2011 & MP.No.1/2011

N.Devarajan

.. Petitioner

Vs

1.The District Collector cum
Inspector of Panchayats
Coimbatore District, Coimbatore.

2.The Block Development Officer
[Village Panchayats]
Sulur, Coimbatore District.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of certiorarified mandamus calling for the records of the 1st respondent in his Se.Mu.No.1809/2011/A4 dated 27.07.2011 and countersigned on 29.07.2011, quash the same and consequently forbear the respondents from in any manner interfering with the functioning as the President of the Chinniampalayam Village Panchayat in purported exercise of powers under section 203 of the Panchayat Act for the term of office upto the year 2011 in the exercise of official functions including the Financial transaction of the panchayat.

For Petitioner ... Mr.P.Srinivas

For Respondents ... Mr.R.Rajeswaran, Spl.GP for R1
Mr.D.Suriyanarayanan for R2

O R D E R

Heard the learned counsel for the petitioner and Mr.R.Rajeswaran, learned Special Government Pleader appearing for the 1st respondent and Mr.D.Suriyanarayanan, learned counsel appearing for the 2nd respondent and with their consent, the writ petition is taken up for final disposal.

2 The petitioner who is a President of a Village Panchayat, has filed this writ petition challenging the proceedings dated 27.07.2011, in and by which, the petitioner's power to sign Panchayat cheques as a co-signatory was suspended.

3 Though several grounds have been raised by the learned counsel for the petitioner and elaborate submissions were made by him as well as by the learned Special Government Pleader, the impugned proceedings is liable to be interfered on the sole ground that the petitioner was not afforded an opportunity before the impugned order was passed.

4 At the time when the impugned order was passed, there was no allegation against the petitioner nor there was any show cause notice issued to him. However, without affording any opportunity to the petitioner, the impugned order has been passed and this contention has not been rebutted by the respondents by filing a counter affidavit, though the writ petition is pending since 2011. It is submitted that on account of the pendency of the proceedings, the proceedings initiated under section 205 of the Tamil Nadu Panchayats Act is also pending.

5 For the foregoing reasons, the writ petition is allowed and the impugned proceedings dated 27.07.2011 passed by the 1st respondent in Se.Mu.No.1809/2011/A4 is quashed. However, it is open to the 1st respondent to take fresh action in accordance with law. No costs. Consequently, the connected miscellaneous petition is closed.

AP

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1. The District Collector cum Inspector of Panchayats
Coimbatore District, Coimbatore.
2. The Block Development Officer
[Village Panchayats]
Sulur, Coimbatore District.

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