

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2015

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.15844 of 2015
and M.P.No.1 of 2015

D.Jayakumar

.. Petitioner

Vs

- 1.The Inspector of Panchayats
(The District Collector)
Office of the District Collector,
Kancheepuram,
Kancheepuram District.
- 2.The Assistant Director, (Village Panchayats)
Office of the District Collector,
Kancheepuram, Kancheepuram District.
- 3.The Block Development Officer, (Village Panchayats),
Office of the District Collector,
Kattankolathur Panchayat Union,
Kattankolathur, Chengalpattu Taluk,
Kancheepuram District.
- 4.The Assistant Planning Officer -cum-
Executive Officer,
Magalir Thittam,
Office of the District Collector,
Kancheepuram,
Kancheepuram District.
- 5.The Tahsildar of Chengalpattu Taluk,
Office of the Tahsildhar,
Chengalpattu Town,
Kancheepuram District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the 5th respondent pertaining to the proceedings in Na.Ka.No.2970/2015/A-1 dated 26.05.2015, so as to quash the same.

For Petitioner

: Mr.N.Jothi
for Mr.M.C.Govindan

For Respondents 1 & 2: Mr.R.Lakshminarayanan
Additional Government Pleader
For Respondents 3 to 5: Mr.R.M.Muthukumar
Government Advocate

ORDER

Heard Mr.N.Jothi, the learned counsel appearing on behalf of Mr.M.C.Govindan, learned counsel on record for the petitioner; Mr.R.Lakshminarayan, learned Additional Government Pleader appearing for the respondents 1 and 2 and Mr.R.M.Muthukumar, the learned Government Advocate appearing for the respondents 3 to 5 and by the consent on either side, the Writ Petition is heard finally.

2. The petitioner has filed this Writ Petition, challenging the notice dated 26.05.2015. This notice has been issued by the fifth respondent, calling for a meeting on 10.06.2015, alleging that there is a proposal to move "no confidence motion" against the petitioner. However, this notice is not based on any independent material, but based on the show cause notice dated 16.06.2014. In the earlier Writ Petition in W.P.No.24151 of 2014, this Court held that the notice issued by the Assistant Director (Village Panchayat) is without jurisdiction since the petitioner's representation has not been considered. Further more, the impugned notice does not state that there is any fresh or independent material to proceed with the motion for "no confidence".

3. Under such circumstances, unless and until the petitioner's representation dated 25.06.2014 is finalised, the respondents would not be empowered to proceed further in the matter.

4. The learned counsel appearing for the petitioner also placed reliance in the decision of this Court in Manivannan Vs. The Government of Tamil Nadu and Another, reported in [2010-3-L.W. 489].

5. For all the above reasons, the Writ Petition in W.P.No.15844 of 2015 is allowed and the impugned notice is quashed on the above technical ground leaving it open to the Authorities to proceed in accordance with law, if there is any independent material.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

- 1.The Inspector of Panchayats
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Office of the Tahsildhar,
Chengalpattu Town,
Kancheepuram District.
- +1 cc to Mr.Muthukumar, Advocate, sr.66120
+1 cc to Mr.M.C. Govindan, Advocate, sr.65655

W.P.No.15844 of 2015

mg co
kra 15.12.2015

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