

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.22067/2011 & MP.No.1/2011

N.Devarajan

.. Petitioner

Vs

1. The District Collector
Coimbatore District, Coimbatore.
2. The Block Development Officer
[Village Panchayats]
Sulur, Coimbatore District.
3. The Assistant Director of Rural Development
[Audit], Coimbatore-18. ...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 3rd respondent in Na.Ka.No.973/2011/A4 dated 16.09.2011 and quash the same and consequently forbear the respondents from in any manner interfering in the functioning of the petitioner as the President of the Chinnampalayam village Panchayat, in the exercise of official functions or from contesting in the Elections for the subsequent period by withholding the No Dues Certificate.

For Petitioner Mr.P.Srinivas

For Respondents ... Mr.R.Rajeswaran,
Spl.GP for R1&R3
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 respondents 1 and 3 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 writ petition has been filed by the petitioner who is the President of Chinniampalayam Village Panchayat, challenging the impugned notice issued by the 3rd respondent dated 16.09.2011. In the said notice, certain issues have been pointed out alleging that certain amount of money is payable to the panchayat and the impugned notice states that the petitioner should submit his reply within a period of fifteen days or he should remit the amounts as determined in the notice.

3 First of all, the 3rd respondent has no power to demand the petitioner to remit the amount. Therefore, to that extent where the impugned notice directs the petitioner to remit the amount has to be held to be without jurisdiction. If that portion of the impugned notice is eschewed, then the said notice is only a show cause notice. Therefore, the petitioner should submit a reply to the show cause notice and based on the reply, it is open to the 3rd respondent to submit appropriate note to the 1st respondent.

4 In the result, the writ petition is partly allowed and the impugned notice insofar as it directs the petitioner to remit the amounts as called for, is quashed. The petitioner is directed to submit his objections to the impugned notice to the 3rd respondent within a period of six weeks from the date of receipt of a copy of this order and on receipt of such reply, it is open to the 3rd respondent to submit appropriate report to the 1st respondent, which shall be considered in accordance with law, after complying with the principles of natural justice. 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
Coimbatore District, Coimbatore.
2. The Block Development Officer
[Village Panchayats]
Sulur, Coimbatore District.
3. The Assistant Director of Rural Development
[Audit], Coimbatore-18.

+ 1 cc to Mr.P.Srinivas, Advocate SR 66654

+ 1 cc to Mr.V.suthakar, Advocate, SR 66661

+ 1 cc to Govt.Pleader SR 66927

scd(co)
prk23/12

W.P.No.22067/2011



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