

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2015

Coram:

The Honourable MR.JUSTICE T.S.SIVAGNANAM

W.P.No.33719 of 2014
and M.P.Nos.1 of 2014 & 1 of 2015

Soundari Krishnamoorthy
Village Panchayat President
T.Kalathur Panchayat
T. Kalathur Alathur Panchayat Union
Perambalur District

...Petitioner

Vs

- 1 The Inspector of Panchayat
The District Collector Perambalur District
Perambalur
- 2 The Block Development Officer
(Village Panchayat) Alathur
Panchayat Union Perambalur District

...Respondents

Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records relating to impugned proceedings of the 1st respondent dt 26.9.2014 in Na. Ka. A3/582/2014 by delegating the cheque signing power to the 2nd respondent to quash the same and consequently direct the 1st respondent to restore the Cheque signing power of the petitioner.

For Petitioner : Mr.G.Vasudevan

For Respondents : Mr.R.Ravichandran, AGP

O R D E R

Heard Mr.G.Vasudevan, learned counsel for the petitioner and Mr.R.Ravichandran, learned Additional Government Pleader for the respondents.

2. The petitioner is an elected president of the Village Panchayat and the order impugned in this writ petition is dated 26.09.2014 by which pending enquiry into the allegations made against the petitioner, the District Collector has suspended the Cheque signing power. In fact, the impugned order is only a show cause notice. However in the interregnum, the petitioner's cheque signing power has been withdrawn.

3. The issue involved in this writ petition is squarely covered by the decision of this Court in W.P.(M.D.) No.139 of 2013 dated 04.04.2013. In the said case, this Court analysed the power of the District Collector under Section 203 of the Tamil Nadu Panchayats Act, 1994 and held that the District Collector cannot take away the cheque signing power of the President and the Vice President.

4. The learned Additional Government Pleader appearing for the respondents seeks to distinguish the said decision on facts.

5. Be that as it may, the impugned proceedings is only a show cause notice and that the impugned proceedings has been stayed by this Court by order dated 18.12.2014 and the said order of interim stay continued to be in force as on date. Since the petitioner has been called upon to give his explanation to the allegations made therein, it is but appropriate for the petitioner to submit his reply to the impugned notice. However, in the interregnum, the petitioner should be permitted to sign the cheques of the Village Panchayat.

6. Accordingly, the writ petition is disposed of by directing the petitioner to submit his explanation to the impugned show cause notice within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the first respondent shall conduct an enquiry by affording an opportunity of being heard to the petitioner and pass a reasoned order on merits and in accordance with law, within a period of three weeks thereafter. Till then, the order of interim stay granted by this Court shall continue. No costs. Connected miscellaneous petitions are closed.

sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

To

1 The Inspector of Panchayat
The District Collector Perambalur District
Perambalur

2 The Block Development Officer
(Village Panchayat) Alathur
Panchayat Union Perambalur District

+1cc to Mr.G.Vasudevan ,Advocate SR.No.7246
+1cc to Govt. Pleader. S.R.No.7285

W.P.No.33719 of 2014

NM(co)
PMK 25.2.15



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