

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.23530/2014 & MP.Nos.2&4/2014

M.Jayapalan

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Petitioner

Versus

- 1.The District Collector
Kancheepuram District
Kancheepuram.
- 2.The Block Development Officer
Sriperumbudur Panchayat Union
Sriperumbudur Taluk
Kancheepuram District.
- 3.The Joint Director / Development Director
District Rural Development Scheme
Kancheepuram, Kancheepuram District.
- 4.The Deputy Director [Panchayats]
O/o.The District Collector, Kancheepuram,
Kancheepuram District.
- 5.Somu @ E.Munusamy ..

Respondents

*** R5 impleaded as per the order of
this Court dated 14.10.2014 in MP.No.3/2014

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to call for the records of the 1st respondent herein dated 13.08.2014 made in Na.Ka.No.1152/2014/a/u/e/u and quash the order and direct the respondents herein to permit the petitioner herein to officiate as President of the Madhuramangalam Village Panchayat.

For Petitioner : Mr.B.Ramamoorthy
For RR 1 to 4 : Mr.R.Vijayakumar, AGP
For R5 : Mr.S.N.Ravichandran

ORDER

Heard Mr.B.Ramamoorthy, learned counsel for the petitioner ; Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents 1 to 4 and Mr.S.N.Ravichandran, learned counsel for the 5th respondent and perused the material available on record.

2.The petitioner, who is the Vice President-cum-Ward Member of the Madhuramangalam Village Panchayat, has filed the writ petition challenging the order passed by the 1st respondent dated 13.08.2014, by which the cheque signing power has been restored in favour of the 5th respondent. The 5th respondent is the President of the Village Panchayat. It appears that the 5th respondent left the country to visit his son in United States of America without obtaining prior permission from the 1st respondent/District Collector. This necessitated a show cause notice to be issued and an order was passed, temporarily suspending the cheque signing power and vesting the same with the Block Development Officer/the 2nd respondent herein, who will sign as a co-signatory along with the petitioner herein, who is the Vice-President. Further, there appears to have been some allegation against the writ petitioner, the Vice President of the Village Panchayat, at the instance of the 5th respondent, President of the Village Panchayat and action was taken and temporarily, the cheque signing power was divested from the petitioner and vested with the 2nd respondent herein.

3.Apart from that, there appears to have been certain allegations against the 5th respondent/President of the Village President, apart from the allegation that he left the country without prior permission. On his return, it appears that representations were made and the impugned order has been passed restoring the cheque signing power and subsequently, a show cause notice has been issued on 14.08.2014 making certain allegations against the 5th respondent and the 5th respondent was directed to respond to the said show cause notice. The petitioner who is the Vice-President, now challenges the impugned proceedings by contending that once it has been held that the 5th respondent left the country without prior permission, the question of revoking the order does not arise as he has already been punished.

4.On a perusal of the impugned proceedings and the earlier records, it is clearly seen that the cheque signing power of the President was divested from him only as a temporary measure and in the discretion of the District Collector, the same has been restored on the 5th respondent returning to the country. However, this cannot have a bearing on the proceedings initiated against the 5th respondent u/s.205 of the Tamil Nadu Panchayat Act, pursuant to the notice dated 14.08.2014. In the light of the fact that the order dated 13.08.2014

is only an interim arrangement, the question of challenging the same does not arise and there is no illegality or infirmity in the said order.

5. Accordingly, the writ petition fails and the same is dismissed. However, it is made clear that merely because the cheque signing power has been restored to the 5th respondent, that by itself will not exonerate him of the charge memo dated 14.08.2014 and the 5th respondent is bound to respond to the chargememo by submitting his reply and after enquiry, the 1st respondent shall proceed in accordance with law. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1. The District Collector
Kancheepuram District
Kancheepuram.
2. The Block Development Officer
Sriperumbudur Panchayat Union
Sriperumbudur Taluk
Kancheepuram District.
3. The Joint Director / Development Director
District Rural Development Scheme
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4. The Deputy Director [Panchayats]
O/o. The District Collector, Kancheepuram,
Kancheepuram District.

- 1 cc to Mr. B. Ramamoorthy, Advocate, SR.No.81761
1 cc to Mr. S. N. Ravichandran, Advocate, SR.No.8379
1 cc to Government Pleader, Sr.No8444 & 8410

WP.No.23530/2014

rsk(co)pmk.25.2.2015