

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2015

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.24151 of 2014
and M.P.No.1 of 2014

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.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent pertaining to the proceedings in Na.Ka.No.171/2012/A-8 dated 08.07.2014 served on the petitioner on 16.08.2014, so as to quash the same by further directing the respondents to furnish the documents numbering 11 sought in the correspondence of the petitioner dated 25.06.2014 and 16.07.2014.

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

For Respondents 1 & 2: Mr.R.Lakshminarayanan
Additional Government Pleader

For Respondents 3 & 4 : 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, learned Government Advocate appearing for the respondents 3 & 4 and by the consent on either side, the Writ Petition is heard finally.

2. The petitioner is an elected President of the Village Panchayat and challenge in this writ petition is to the notice dated 08.07.2014 issued by the second respondent, calling upon him to appear for enquiry in respect of the proceedings initiated by the District Collector/first respondent under Section 205 (1) of the Tamil Nadu Panchayat Act 1994. The entire proceedings emanated from a show cause notice dated 13.06.2014, in which there are various allegations against the petitioner. On receipt of the show cause notice, the petitioner sent a reply dated 25.06.2014, in which various contentions have been raised and specifically contending that the petitioner is entitled to the documents to be supplied in advance, so as to enable him to submit an effective reply. The list of documents sought for by the petitioner has been provided as an annexure to the said representation.

3. Further, the petitioner has relied upon the decision of Madurai Bench of this Court in the case of Manivannan Vs. District Collector and Inspector of Panchayat and Another, reported in [(2008) 4 MLJ 1048] and the decision of the Full Bench of this Court in the case of The District Collector and Inspector of District Panchayat, Villupuram District and Another Vs. Devi Parasuraman and Another reported in [2009 (4) CTC 609]. However, the first respondent neither passed an order on the petitioner's representation nor sent a reply to the petitioner, but issued certain directions to the Assistant Director (Village Panchayat), Kancheepuram, based on which, the impugned notice dated 08.07.2014 has been issued.

4. It is interesting to note that the impugned notice dated 08.07.2014 has reference to the petitioner's representation dated 25.06.2014. Yet there is no averment contained therein as to

whether the District Collector considered the petitioner's representation. Thus the impugned notice dated 08.07.2014 is not sustainable in law. Accordingly, the Writ Petition is allowed. The impugned notice is quashed and the matter is remanded to the first respondent for fresh consideration, who shall consider the representation given by the petitioner dated 25.06.2014 and proceed in accordance with law. Consequently connected miscellaneous petition is closed. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

ds

To

- 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.

2 ccs to Mr.M.C. Govindan, Sr. 65654

W.P.No.24151 of 2014

VGI (CO)
kk 28/12