

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.NO.19123 of 2015

AND

M.P.NO.1 OF 2015

K.Kalyani

...Petitioner

Vs.

1. The District Collector cum
Inspector of Village Panchayat
Villupuram District
Villupuram
2. The Tahsildar,
Sankarapuram Taluk,
Villupuram District.
3. The Assistant Director of Panchayats
Villupuram District, Villupuram.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking for the relief of issuance of writ of certiorarified mandamus to call for the records pertaining to the impugned order dated 6.6.2015 in Na.Ka.No.A-2/456/2014-1 passed by the 1st respondent and quash the same and consequently forbear the respondents from in any manner holding the proceedings under Section 205 of the Tamil Nadu Panchayat Act.

For Petitioner

Mr.R.Manibarathi

For Respondents

: Mr. A.Kumar, Spl.G.P.

ORDER

This writ petition has been filed by K.Kalyani challenging the impugned proceedings dated 6.6.2015 in Na.Ka.No.A-2/456/2014-1 passed by the 1st respondent.

2. The only contention taken by the petitioner is that after she was elected as President, she submitted a written explanation denying all the charges mentioned in the charge memo, hence, a duty is cast

upon the Inspector of Village Panchayat - District collector, 1st respondent herein, to give a finding thereon and the same should be informed to the petitioner. But in the present case, although the petitioner has given a detailed reply to the charges, the Inspector of Village Panchayat - the 1st respondent herein has not applied his mind on the written reply given by the petitioner and hurriedly directed the Tahsildar to hold a meeting. Therefore, the said approach adopted by the 1st respondent, being without any authority supported with any legal position, the steps taken by the 1st respondent directing the Tahsildar to convene a meeting is liable to be interfered with.

3. This Court is not able to see any merit on the contention made by the petitioner. In the present case, the petitioner, who was elected as a President of Vengodu village Panchayat in Kalvarayan Hills, Villupuram District, was subjected to an enquiry in view of various complaints raised against her. Therefore, the 1st respondent issued a show cause notice dated 27.6.2014 in Ref.No.Na.Ka.No.A-2/456/2014 to the petitioner under Section 205(1)(a) of the Tamil Nadu Panchayat Act. The 1st respondent, it appears, based on three inspection reports dated 30.5.2014, 12.6.2014 and 13.6.2014, has issued the show cause notice. Subsequently the petitioner has also submitted a detailed reply dated 1.7.2014 and one another reply dated 22.8.2014 to the 1st respondent. Thereafter, the Inspector of Village Panchayat - the 1st respondent herein has forwarded a notice referred to in Sub-section (1) of Section 205 of the Tamil Nadu Panchayat Act to the Tahsildar of the Taluk with a proposal for removal of the President for ascertaining the views of the Village Panchayat. As the Tahsildar of the Taluk has to hold the meeting to find out the views of the elected members of the said village, in my considered opinion, no writ will lie in the middle of the proceedings. It may be mentioned herein that as no final orders are passed by the 1st respondent against the petitioner, she cannot be allowed to say that she is aggrieved. Secondly, the meeting directed to be held in the presence of the Tahsildar, may some times prove in favour of the petitioner. Therefore, at this juncture, this Court, as mentioned above, is not inclined to entertain the writ petition.

4. The writ petition is accordingly dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

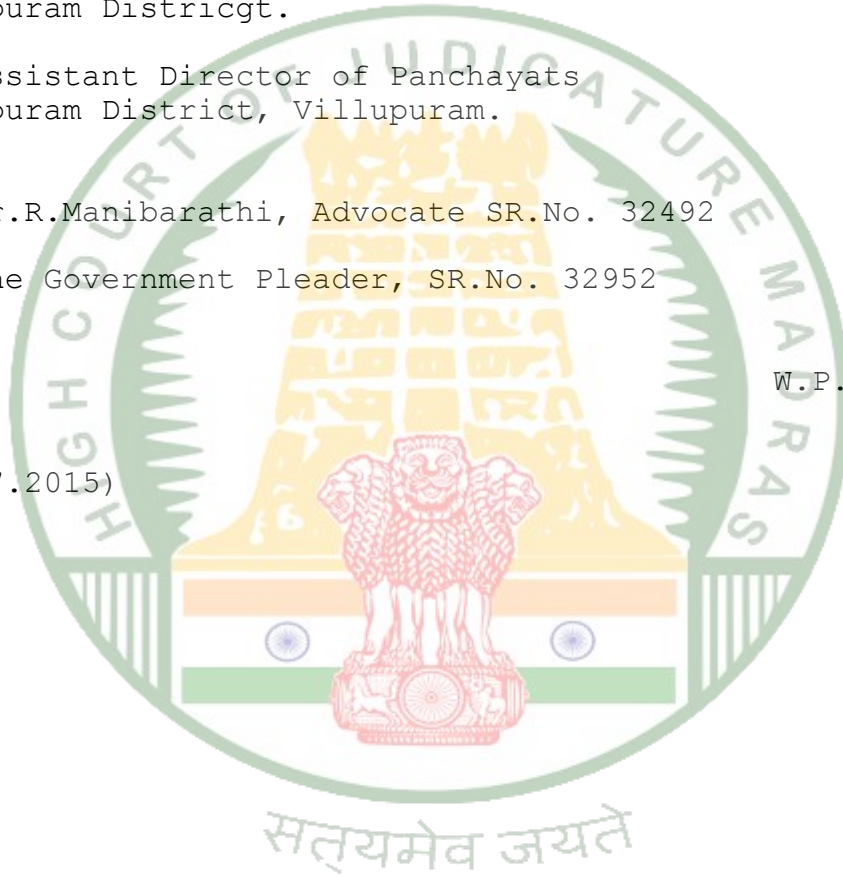
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1 CC to Mr.R.Manibarathi, Advocate SR.No. 32492

1 CC to the Government Pleader, SR.No. 32952

W.P.No.19123 of 2015

PSI (06.07.2015)



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