

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.19721 of 2015
and M.P.No.1 of 2015

R.Rajendran [Petitioner]
Vs

- 1 The District Collector cum
The Inspector of Panchayat
Thiruvavur District.
- 2 The Deputy Block Development Officer (Audit)
Kodavasal, Thiruvavur District.
- 3 The Tahsildar
Kodavasal Taluk Thiruvavur District. [Respondents]

This Writ Petition under Article 226 of the Constitution of India for the issuance of a Writ of certiorari calling upon for the records relating to the order of 1st respondent District Collector Thiruvavur District dated 24.06.2015 in Na.Ka.No. 1683/2014/ A2/Vu.E. (Voo) and published in the Thiruvavur District Gazette Special Edition dated 25.06.2015 and quash the same.

For petitioner Mr.K.Sakthivel
For Respondents Mr.S.Gunasekaran, GA (R2)
Mr.R.Lakshminarayanan, AGP (R1&3)

O R D E R

Heard Mr.K.Sakthivel, learned counsel for the petitioner, Mr.R.Lakshmi Narayanan, learned Additional Government Pleader, who took notice for R1 & R3 and Mr.S.Gunasekaran, learned Government Advocate, who took notice for R2 and with their consent, the main writ petition is taken up for disposal.

2. This writ petition has been filed by R.Rajendran, challenging the order dated 24.06.2015 passed by the District Collector, Thiruvavur District in Na.Ka.No. 1683/2014/ A2/Vu.E. (Voo) and published in the Thiruvavur District Gazette Special Edition dated 25.06.2015.

3. Learned counsel for the petitioner would submit that the impugned order is challenged on the ground that the petitioner, being the elected President of Alathur Village Panchayat in the local body election held on 21.10.2011 has been removed by the District Collector/Inspector of Panchayat, without giving any finding with regard to wilful omission or wilful abuse of his power.

3.2 According to the learned counsel, the case of the petitioner is that when he was issued with a show cause notice, alleging various irregularities on 01.08.2014, a detailed explanation refuting all the allegations mentioned therein was submitted by him on 14.08.2014. On receipt of the said explanation, the Inspector of Panchayat, has directed the Tahsildar to hold a meeting on 20.04.2015 to find out the views of the elected members of the Ward. But, contrary to the direction given by the Inspector of Panchayat to hold the meeting on 20.04.2015, the Tahsildar, has conducted two meetings one on 20.04.2015 and the other on 27.04.2015. However, while holding the 2nd meeting on 27.04.2015, the Tahsildar, who has been directed by the Inspector of Panchayat to hold meeting on 20.04.2015 to find out the views of all the Ward members, without even mentioning anything about the holding of meeting on 20.04.2015, has noted down the views of the elected members and the same was forwarded. Therefore, the Tahsildar has exceeded his limit and this infirmity was also not properly considered by the Inspector of Panchayat and therefore, there has been clear violation of the provisions of the Act. Besides, according to him, when a glaring irregularity has been committed by the Tahsildar, the petitioner/elected President has been removed, this Court, by-passing the appellate remedy available to the petitioner, should interfere with the impugned order.

3.3. In support of the above submissions, the learned counsel for the petitioner has placed on record the Judgment of this Court in the case of The State of Tamil Nadu, rep. by Secretary to Government, Rural Development and Local Administration Department vs. S.Ramasamy reported in 2011(5) CTC 197 to say that the final order passed by the Inspector of Panchayat, must mention about the abuse of the power. However, according to him, in the present case, as against the ratio laid down by this Court referred to above, the District Collector/The Inspector of Panchayat, the 1st respondent herein, has exceeded his jurisdiction. Therefore, the impugned order is liable to be interfered with.

4. But, this Court, is not inclined to interfere with the impugned order for the simple reason that the petitioner has got more effective and efficacious alternative remedy. Any observation if made, that would have an effect on the appeal, in the event of filing any appeal by the petitioner. Therefore, without expressing any opinion on the merits of the matter, by granting liberty to the

petitioner to approach the appellate authority, if so advised, this writ petition is dismissed. No costs. Connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1 The District Collector cum
The Inspector of Panchayat
Thiruvarur District.
 - 2 The Deputy Block Development Officer (Audit)
Kodavasal, Thiruvarur District.
 - 3 The Tahsildar
Kodavasal Taluk Thiruvarur District.
- +1 cc to Mr.S.Gunasekaran, Advocate,SR.33902
- +1 cc to Mr.K.Sakthivel, Advocate,SR.33423.

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W.P.No.19721 of 2015



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