

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:8-9-2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.25424 of 2015

T.G.Shankar,  
Vice President,  
Thellore Panchayat Board,  
Vellore Panchayat Union,  
Vellore Taluk & District.

... Petitioner

Vs.

- 1.Government of Tamil Nadu,  
Rep. by Secretary to Government,  
Department of Rural &  
Panchayat Raj Development,  
Fort St., Geroge Chennai-9.
- 2.The Inspector of Panchayat-cum-  
District Collector,  
Vellore District, Vellore.
- 3.The Assistant Director of Panchayat  
Vellore Collector Office,  
B-Block, III Floor,  
Sathuvachari, Vellore-632009.
- 4.The Block Development Officer (PU)  
Vellore Panchayat Union,  
Vellore Taluk & District.
- 5.K.Kanniyappan,  
President,  
Thellore Panchayat Board,  
Vellore Panchayat Union,  
Vellore Taluk & District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the relating to withdrawing of cheque signing power published in Tamil Nadu Government Gazette No.31 Part VI section (2)/VI (2)/123/2015 dated 05.08.2015 from the file of 2<sup>nd</sup> respondent and quash the same and permitting the petitioner to continue the privilege of Signing Cheques of Panchayat joining with the President of Thellore Panchayat Board.

For Petitioner :Mr.R.Margabandhu  
For Respondents :Mr.Era.Premnath for R4  
Mr.J.Shanmugasundara Babu for R5  
Mr.M.E.Raniselvam, Additional Government  
Pleader for RR1 to 3

#### ORDER

This writ petition has been taken up for final disposal. The petitioner was elected as Vice President, Thellore Panchayat Board. The Vice President is vested with the power to sign cheques along with Panchayat President. The fifth respondent was elected as President in the bye election held on 18.09.2014.

2. According to the petitioner the said 5<sup>th</sup> respondent tried to act independently and adverse to the interest of the Panchayat and he tried to forge the signature of the petitioner in three cheques and withdraw the funds. The petitioner further alleges about misuse of Panchayat funds. In this regard, the petitioner and other members of the Panchayat Board made several representations to the second and 3<sup>th</sup> respondents, pointing out the irregularities committed by the 5<sup>th</sup> respondent. However, no action has been taken. When things stand so, the 5<sup>th</sup> respondent joining with the 4<sup>th</sup> respondent made certain false representations against the petitioner and without even issuing notice, the cheque signing power has been withdrawn from the petitioner. The said order is being challenged before this Court.

3. Heard Mr.R.Margabandhu, the learned counsel appearing for the petitioner, Mr.Era.Premnath, the learned counsel appearing for the 4<sup>th</sup> respondent and Mr.J.Shanmugasundarababu, learned counsel appearing for the 5<sup>th</sup> respondent.

4. As rightly pointed out by Mr.R.Margabandhu, learned counsel appearing for the petitioner, the impugned order has been passed without issuing notice, taking away the petitioner's power to sign in the cheque for six months. Learned counsel appearing for the 4<sup>th</sup> respondent as well as the learned counsel appearing for the 5<sup>th</sup> respondent are unable to point out or refer to the show cause notice, being issued before passing the impugned order.

5. The petitioner's right to sign the cheque is the Statutory power given to both the President as well as Vice President and when such power is to be taken away, the procedural law has to be followed. The principles of natural justice requires a notice to the petitioner before passing such order. Evidently, it is clear that no such show cause notice was issued before taking away cheque signing power from the petitioner and therefore, the impugned order suffers

and the same is set aside. The writ petition is allowed. No costs. Consequently connected M.P.Nos.1 to 3 of 2015 are closed.

-s/d-  
Assistant Registrar(Ad-I)  
dt:30/9/2015

True Copy

Sub-Assistant Registrar

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To:

- 1.The Secretary to Government,  
Government of Tamil Nadu,  
Department of Rural &  
Panchayat Raj Development,  
Fort St., Geroge Chennai-9.
- 2.The Inspector of Panchayat-cum-  
District Collector,  
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- 3.The Assistant Director of Panchayat  
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- 5.K.Kanniyappan,  
President,  
Thellore Panchayat Board,  
Vellore Panchayat Union,  
Vellore Taluk & District.

+1 cc to Mr.J.ShanmugasundaraBabu Advocate sr.48769  
+1 cc to Government pleader sr.48955  
+1 cc to Mr.R.Margabandhu Advocate sr.49121

W.P.No.25424 of 2015

aa05/10/2015