

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.08.2015

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.25942 OF 2015

S. Shankar

[PETITIONER]

Vs

1 The District Collector Cum
Inspector of Panchayats
Vellore District, Vellore.

2 The Block Development Officer
(Village Panchayats)
Vellore Panchayat Union
Vellore District.

[RESPONDENTS]

Writ petition is filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the first respondent to pass appropriate orders on the petitioners representation dated 11.08.15

For Petitioner : Mr.S.Gowri Shankar
For Respondents : Mr.V.Jayaprakash Narayanan
Spl.Govt. Pleader

O R D E R

With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal at the admission stage itself.

2.The petitioner is the Vice-President of Athiyur Village Panchayat. Since there were certain allegations, the cheque signing power of the President of the said Village Panchayat was taken away and the same was challenged the said President before this Court by filing W.P.No.6030 of 2014* The said Writ Petition is pending before this Court.

3.When things stand so, the President of the Athiyur Panchayat, Vellore Union, by proceedings dated 13.08.2015, passed a resolution restoring the cheque signing power of the President along with another Ward Member instead of Vice President, petitioner herein and the said resolution has also been sent to the first respondent, District collector. In this regard, the petitioner submitted a representation on 11.08.2015, objecting the action of the President of the Athiyur Panchayat, for passing the aforesaid resolution. Since no action has been taken, the petitioner has filed the present writ petition.

4.Heard Mr.S.Gowri Shankar, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, Special Government Pleader appearing for the respondents.

5.It is evident that the cheque signing power of the President was taken away by the first respondent by virtue of the order dated 13.05.2013 and the said order has been challenged by the President of the Athiyur Panchayat in W.P.No.6030 of 2014* and no interim order has been granted by this Court in the said Writ Petition. When such is the position, it is not understandable as to how the President of the Athiyur Village Panchayat can pass a resolution restoring the cheque signing power of the President and nominating another Ward Member as co-signatory to have the cheque signing power instead of Vice-President namely the petitioner herein. Unless and until the order passed by the first respondent/ District Collector dated 13.05.2013 has been set aside by this Court, no such resolution can be passed restoring cheque signing power of the President of the Village Panchayat Board. If any such resolution is passed taking away the cheque signing power of the Vice President of the said Village Panchayat, the same has to be considered by the first respondent. In this regard, the petitioner has submitted a representation dated 11.8.2015, objecting the resolution dated 13.8.2015.

6.Considering the facts and circumstances of the case, the first respondent is directed to consider the representation submitted by the petitioner dated 11.8.2015, and pass appropriate orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion on the merits of the representation submitted by the petitioner.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS-IV)
dt. 31.08.2015

//True Copy//

Corrected as per order dt.4.09.2015
made in W.P.No.25942/15

Sd/-
Assistant Registrar(CS-IV)
dt. 16.09.2015

Sub Assistant Registrar

rpa

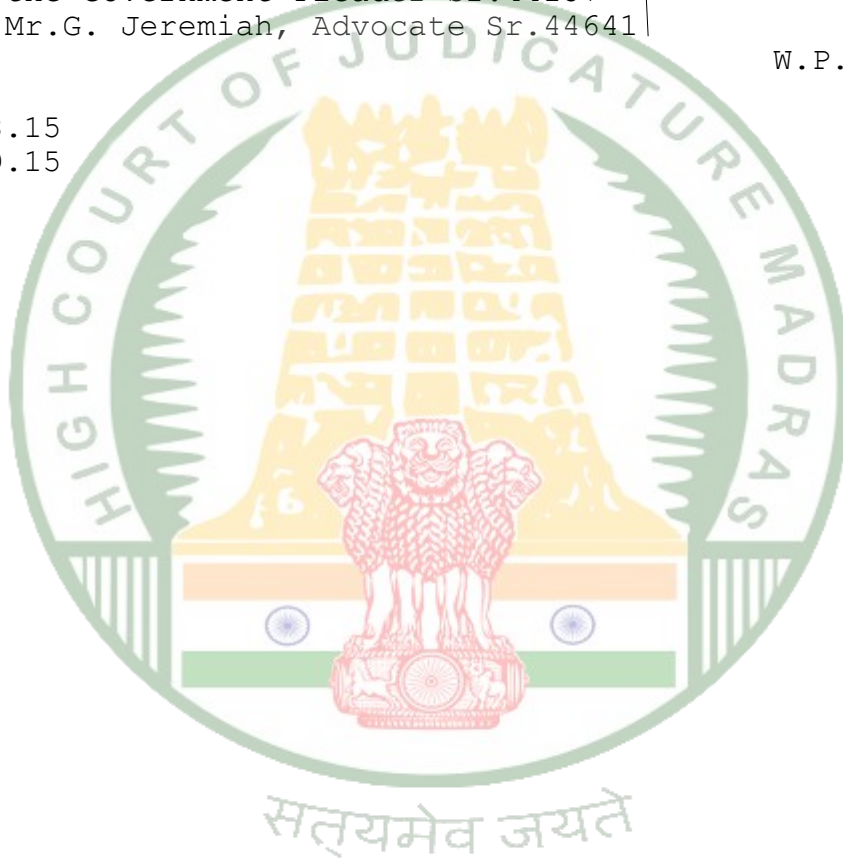
To

- 1 The District Collector Cum
Inspector of Panchayats
Vellore District, Vellore.
 - 2 The Block Development Officer
(Village Panchayats)
Vellore Panchayat Union
Vellore District.
- + 1 cc to the Government Pleader Sr.44157
+ 1 cc to Mr.G. Jeremiah, Advocate Sr.44641

To be substituted
the order already
despatched on
31.08.2015

W.P.No.25942 OF 2015

RJ(CO)
Eu 31.08.15
EU 16.09.15



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