

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.27961 of 2015
and M.P.Nos.1 and 2 of 2015

D.Dakshinamurthy

... Petitioner

vs.

1.The District Collector
Villupuram District,
Villupuram.

2.The Tahsildar
Gingee Taluk,
Villupuram District,
Villupuram.

3.The Assistant Director (Panchayats)
Villupuram District,
Villupuram.

4.The Block Development Officer,
Alampoondi Panchayat,
Gingee Panchayat Union,
Gingee, Villupuram District.

... Respondents

Prayer :- Writ petition filed under Article 226 of the constitution of India praying for a writ of certiorari calling for the records of the 1st respondent herein culminating in the impugned show cause notice bearing Na.Ka.No.A2/1922/2014 on the file of the 1st respondent herein dated 16.11.2014 and consequent notice in Na.Ka.No.B8/15210/2015 on the file of the 2nd respondent herein dated 28.08.2015 and quash the same.

For Petitioner : Mr.R.Srinivas

For Respondents : Mr.Rm.Muthukumar,
Govt. Advocate for R1 to R3.

Mr.P.Chinnadurai for R4

O R D E R

The petitioner has been elected as President of Alampoondi Village, Gingee Taluk, Villupuram District in the election conducted during October 2011. Alleging certain misconduct on the part of the petitioner, the show cause notice was issued by the first respondent, Collector on 16.11.2014 which was replied by the petitioner on 18.02.2015. Subsequent to the reception of the reply, the impugned enquiry notice has been issued on 28.08.2015 convening the meeting on 02.09.2015. The said order is being challenged before this court.

2. Heard Mr.R.Srinivas, learned counsel appearing for the petitioner, Mr.Rm.Muthukumar, learned Government Advocate appearing for second and third respondents and Mr.P.Chinnadurai, learned counsel appearing for the fourth respondent.

3.As rightly pointed out by the learned counsel for the petitioner, as per Section 205 (4) of the Tamil Nadu Panchayat Act 1994, seven days notice is required to be given before convening any meeting whereas in this case, the notice is dated 28.08.2015 and the meeting was convened on 02.09.2015 which is in violation of Section 205 (4) of the Act. Therefore, the impugned notice is liable to be set aside and accordingly set aside. However, it is made clear that it is only on this ground the impugned order is set aside.

4. Accordingly, this writ petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To

1.The District Collector
Villupuram District, Villupuram.

2.The Tahsildar,
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Villupuram District,
Villupuram.

3.The Assistant Director (Panchayats)
Villupuram District, Villupuram.

4.The Block Development Officer,
Alampoondi Panchayat,
Gingee Panchayat Union,
Gingee, Villupuram District.

+1 cc to Mr.P.Chinnadurai, Advocate, sr.47858
+1 cc to Mr.R.Srinivas, Advocate, sr.48050

W.P.No.27961 of 2015

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