

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18-9-2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.28688 of 2015

S.Elumalai
S/o.A.Singaram,
President,
Kadali Village Panchayat,
Melmalaiyanur, Panchayat Union,
Gingee Taluk, Villupuram District.

... Petitioner

Vs.

1. The District Collector-cum-
Inspector of Village Panchayats,
District Collector Office,
Villupuram District.
2. The Additional Director of Panchayat,
District Collectorate Office,
Villupuram District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent to forthwith forward the report and papers of the Block Development Office, Kadali made in his proceedings Na.Ka.No.2/893/2015 dated 27.08.2015 to the 1st respondent forthwith and consequently direct the 1st respondent to pass orders on the same on merits taking into consideration of the interest of the Public in the Kadali Panchayat expeditiously within a time frame.

For Petitioner : Mr.Silambanan
Senior Counsel
for M/s.Profexs Association

For Respondents : Mr.V.Jayaprakashnarayanan
Special Government Pleader

ORDER

The petitioner is an elected President of Kadali Village Panchayat, Vallam, Gingee Taluk. From and out of nine ward members, one Mr.Jakir was elected as Vice President. As per the Panchayat Act, both the President as well as Vice President are joint signing authorities and they have to sign in the cheques as per Section 188 (3) of the Tamil Nadu Panchayat Act. 1994.

2. The contention of the petitioner is that the Vice President Jakir has not been cooperating with the petitioner-President and therefore, the works of the Panchayat have come to a standstill. In this regard, a resolution was passed on 27.3.2015 by the ward members and one Mr.Maran was authorised as a new co-signing authority along with the petitioner. The said resolution was sent to the Block Development Officer and based on that he called for an enquiry on 17.8.2015. After enquiry, the Block Development Officer sent a report to the second respondent, who in turn has to send the report to the first respondent District Collector so that he shall pass appropriate orders.

3. Heard, Mr.Silambanan, learned Senior Counsel appearing for the petitioner and Mr.V.Jayaprakashnarayanan, learned Special Government Pleader appearing for the respondents.

4. Even though the Block Development Officer sent a report to the second respondent, he has not forwarded the same to the first respondent so that appropriate orders could not be passed by the first respondent. The records would reveal that Block Development Officer, Kadali sent a report on 27.8.2015 and therefore, the second respondent forthwith has to forward the report of the Block Development Officer, Kadali dated 27.8.2015 to the first respondent, so that he can pass orders.

5. In view of that the second respondent is directed to forward the report of the Block Development Officer, Kadali dated 27.8.2015 to the first respondent and he is directed to pass appropriate order. The second respondent is directed to forward the report to the first respondent within two weeks from the date of the receipt of a copy of the order and the first respondent shall pass appropriate orders as per law within four weeks thereafter.

6. With the above direction the writ petition is disposed of.
No costs. Consequently the connected M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To:

1. The District Collector-cum-
Inspector of Village Panchayats,
District Collector Office,
Villupuram District.
2. The Additional Director of Panchayat,
District Collector Office,
Villupuram District.

+1cc to M/s.Profex Associates, Advocate, S.R.No.50984
+1cc to the Government Pleader, S.R.No.51203

W.P.No.28688 of 2015

SR(CO)
CA(09/10/2015)

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