

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.29540 of 2015
and
M.P.Nos.1 and 2 of 2015

S.Elumalai

[PETITIONER]

Vs

1. The District Collector-cum-Inspector of Village Panchayats, District Collectorate, Villupuram District.
2. The Additional Director of Panchayat, District Collectorate, Villupuram District.
3. The Block Development Officer, Kadali Village Panchayat, Melmalaiyanur, Panchayat Union, Gingee Taluk, Villupuram District

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of certiorarified mandamus to call for the records of the 1st respondent made in proceedings Na. Ka. No. A2/1106/2015 dated 9.9.2015 and quash the same and consequently direct the 1st respondent to pass orders on the report and paper of the Block Development Officer Kadali made in his proceedings Na.Ka. No.2/893/2015 dated 27.08.2015 on merits after affording due opportunity to the parties concerned expeditiously within a time frame.

For Petitioner : Mr.K.Sathish

For Respondents : Mr.R.Rajeswaran
Special Government Pleader

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. Heard Mr.K.Sathish, learned Counsel appearing for the petitioner and Mr.R. Rajeswaran, learned Special Government Pleader, appearing for the respondents.

3. The petitioner who is the President of the Kadali Village Panchayat, has filed this Writ Petition challenging the order passed by the first respondent dated 9.9.2015, by which the cheque signing power of the petitioner as well as Vice President were temporarily suspended.

4. Though the Tamil Nadu Panchayat Act provides for a procedure to be followed in terms of Section 203 of the Act, the first respondent has passed the impugned order based on a telephonic information received, without following the procedure, established by law. This aspect of the matter was noticed by this Court while granting interim order of stay on 18.2.2.2015.

5. In the light of the fact that the impugned order has remained stayed, the same has not been implemented as on date. Taking note of the fact that the impugned order has been passed solely based on the telephonic information received without following due process of law, the same is set aside and the first respondent is at liberty to initiate appropriate proceedings against the petitioner, and the Vice President of the Panchayat, if they are so desirous, within a period of two weeks from the date of receipt of a copy of this order.

6. The Writ Petition is allowed on the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.
Rpa

Sd/-

Assistant Registrar (CS-VII)

/True Copy/

सत्यमेव जयते

Sub-Assistant Registrar

To

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

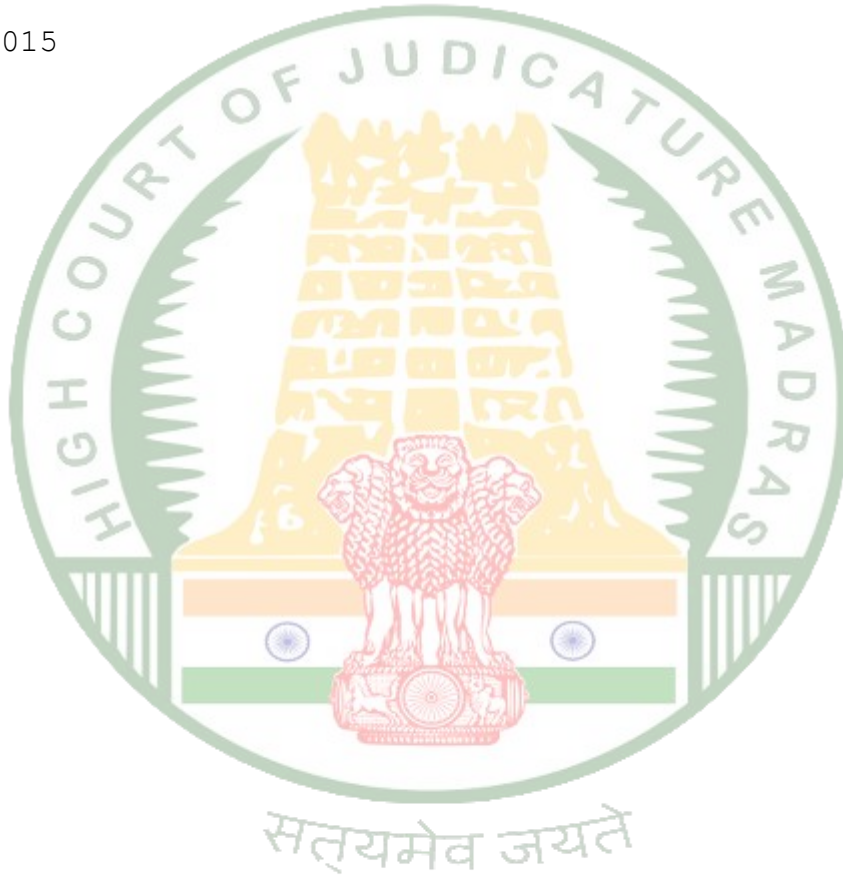
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3. The Block Development Officer,
Kadali Village Panchayat,
Melmalaiyanur, Panchayat Union,
Gingee Taluk, Villupuram District

+1 C.C. To The Government Pleader in SR.NO.60708

W.P.No.29540 of 2015
and
M.P.Nos. 1 and 2 of 2015

TM(CO)
sd : 25/11/2015



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