

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.3019/2015 & MP.No.1/2015

M.Arumugam

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Petitioner

Versus

The District Collector cum
Inspector of Village
Panchayats, Villupuram District.

..

Respondent

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus forbearing the District Collector cum Inspector of Village Panchayats, Devathanampettai village panchayat, Villupuram, Villupuram District from taking any further proceeding pursuant to the notice issued by him in Na.K.No.A2/2005/2014 dated 02.01.2015 to the petitioner u/s.205[1][a] of the Tamil Nadu Panchayats Act, 1994 without permitting the petitioner to have the assistance of a legal practitioner for the entire proceedings and until the criminal case in FIR No.4/2014 reaches a finality.

For Petitioner : Mr.S.Silambanan, Senior Counsel for
Ms/.Profex Associates

For Respondent : Mr.S.Kandasamy, Spl.GP [HR&CE]

ORDER

Heard Mr.S.Silambanan, learned senior counsel for the petitioner and Mr.S.Kandasamy, learned Special Government Pleader [HR&CE] appearing for the respondent and with their consent, the writ petition is disposed of at the admission stage itself.

2.The petitioner seeks for issuance of a writ of mandamus to forbear forbearing the 1st respondent herein from taking any further proceeding pursuant to the notice issued by him in Na.K.No.A2/2005/2014 dated 02.01.2015 to the petitioner u/s.204[1][a] of the Tamil Nadu Panchayats Act, 1994 without permitting the petitioner to have the assistance of a legal practitioner for the entire proceedings and until the criminal case in FIR No.4/2014 reaches a finality.

3. Admittedly, a show cause notice has already been issued to the petitioner u/s.205[1][a] of the Tamil Nadu Panchayats Act, 1994. Therefore, the proper course to be adopted by the petitioner is to submit an explanation.

4. Learned senior counsel submitted that the petitioner is an illiterate and he knows only to affix his signature and therefore, he requests the assistance of a lawyer to assist him in the proceedings/hearing, which would be conducted by the respondent.

5. The question of permitting a lawyer to assist the petitioner in the proceedings before the 1st respondent does not arise since the petitioner is an elected president of a Village Panchayat and he should be able to answer all the queries which have been raised in the notice dated 02.01.2015.

6. Accordingly, there will be a direction to the petitioner to submit his explanation to the notice dated 02.01.2015 within a period of fifteen days from the date of receipt of a copy of this order. On receipt of such reply from the petitioner, the 1st respondent shall afford an opportunity of personal hearing to the petitioner in which the petitioner may take the assistance of anyone of the ward members who have been elected in the same village panchayat to assist him.

7. With the above direction, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To
The District Collector cum
Inspector of Village
Panchayats, Villupuram District.

1 cc to Ms/.Profex Associates ,Advocate, SR.No.6604
1 cc to Government Pleader, Sr.No6696

WP.No.3019/2015

mp (co) pmk.25.2.2015