

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:04.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.NO.31062 of 2013

and

M.P.Nos.1/13 and 2/13 and 1/14

R. Arumugam,
Vice President,
Vadanthavadi panchayat,
275, Avalurpet Salai,
Vedanthavadi Village & Post,
Tiruvannamalai Taluk & District.
Pin: 606 752. ...

Petitioner

Vs

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.
2. The Asst. Director of panchayats,
O/o. District Collectorate,
Tiruvannamalai District,
Tiruvannamalai.
3. The Block Development Officer,
(Village Panchayat),
Thurinjapuram Panchayat Union,
Tiruvannamalai District.
4. The Deputy Block Development Officer,
(Executive Officer-Adi Dravidar Welfare),
Thurinjapuram Panchayat Union,
Thiruvannamalai District.
5. Mrs. S. Alli

.. Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of certiorari to call for records on the file of the first respondent relating to the order issued by him in Na.Ka.No.6914/2012/A2 dated 17.09.2013 and quash the same.

For Petitioner : Mr. R.Chandrasekaran

For Respondents: Mr.R.Vijayakumar
Addl. Govt. Pleader (R1 and R2)
Mr. P. Chinnadurai (R3 and R4)
Mr. V. Suthakar (R5)

ORDER

Heard the learned counsel for petitioner and learned Additional Government Pleader appearing for Respondents 1 and 2 and the learned Government Advocate appearing for respondents 3 and 4 and the learned counsel appearing for 5th respondent.

2. The petitioner is the Vice President of Vedanthavadi Panchayat, Thiruvannamalai District. On a complaint given by the 5th respondent viz., President of the Vedanthavadi Panchayat stating that the petitioner is refusing to cooperate with the affairs of the Panchayat, refusing to sign salary chits etc., action was initiated by the District Collector and as a temporary measure, the check signing power was removed from the petitioner and entrusted with the 3rd respondent.

3. The petitioner approached this Court raising several grounds and contending that the impugned order is ex facie arbitrary and unreasonable and against the provisions of the Tamilnadu Panchayats Act. That apart, the petitioner has made certain allegations against the Ward Members of the Panchayat as well as against the President stating that no Grama Sabha Meeting was convened, but the husband of the 5th respondent is forging the signature of the Ward Members in the minutes book as if Resolutions were passed and thus, fabricated records were submitted to the Department.

4. This court, at the time when the writ petition was entertained, an order of interim stay was granted. Counter affidavit has been filed by the District Collector stating that even after the interim order was obtained by the petitioner, he has refused to cooperate in signing the cheques and salary cheques and payments have been withheld. On account of non cooperative attitude of the petitioner, in para 8 of the counter affidavit filed by respondents 1 and 2, 12 incidents have been pointed out.

5. Learned counsel for the petitioner submitted that it is not the intention of the petitioner not to cooperate in the lawful affairs of the Panchayat. The petitioner has given several complaints against the 5th respondent's husband and no action has been taken by the District Collector in this regard.

6. The petitioner would further undertake to cooperate with the 5th respondent in all the lawful affairs of the Panchayat and sign all the cheques which are being duly authorised and issued for payments for expenses incurred for developmental works of the Panchayat and for payment of salary .

7. In the light of the above, since the impugned order is only an interim arrangement, the writ petition is allowed and the same is set aside recording the stand taken by the petitioner that he

will cooperate in the lawful affairs of the Panchayat and sign in the cheques. In the event, the petitioner has got any complaint, the petitioner shall submit his complaint in writing to the 2nd respondent which shall be considered by the 2nd respondent in accordance with the provisions of law.

8. In the event, the petitioner does not abide by the undertaking given before this Court, it is open to the respondents 1 and 2 to take appropriate action against him. Likewise, if the allegations made by the petitioner against the 5th respondent is found to be true, it is open to the respondents 1 and 2 to take action against the 5th respondent.

9. No costs. Consequently, the connected M.P.Nos.1 and 2 of 2013 and M.P.No.1 of 2014 are closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

msr

To

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2. The Asst. Director of panchayats,
O/o. District Collector,
Tiruvannamalai District,
Tiruvannamalai.

3. The Block Development Officer,
(Village Panchayat),
Thurinjapuram Panchayat Union,
Tiruvannamalai District.

4. The Deputy Block Development Officer,
(Executive Officer-Adi Dravidar Welfare),
Thurinjapuram Panchayat Union,
Thiruvannamalai District.

1 cc to Mr.V. Suthakar, Advocate, Sr. 6066

1 cc to Government Pleader, Sr. 5789

1 cc to Mr.R. Chandrasekaran, Advocate, sr. 6002

W.P.No.31062 of 2013

GJ (CO)

kk 18/2