

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.38565 of 2015
and
M.P.Nos.1 and 2 of 2015

Ramesh

.. Petitioner

v.

1. The District Collector,
(Inspector of Panchayats),
Vellore District.

2. The Assistant Director (Panchayats),
Collector Office campus,
Vellore District.

3. The Block Development Officer,
(Village Panchayat),
Sembedu Panchayat Union,
Chennai District.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus to call for the records relating to impugned order passed by the first respondent vide Na.Ka.1200/2014/A3, dated 16.07.2014 and quash the same and consequently, direct the first respondent to provide the petitioner the power of maintaining Bank Accounts and signing the cheques relating to the Sembedu Village Panchayat, Vellore District.

For Petitioner

.. Mr.T.Dharani

For Respondents 1 & 2

.. Mr.R.Vijayakumar
Addl. Government Pleader

For 3rd Respondent

.. Mr.P.Karthikeyan
Government Advocate

ORDER

Heard Mr.T.Dharani, learned counsel for the petitioner; Mr.R.Vijayakumar, learned Additional Government Pleader accepting notice on behalf of the respondents 1 and 2 and Mr.P.Karthikeyan, learned Government Advocate accepting notice

on behalf of the 3rd respondent and with their consent, the writ petition is taken up for final disposal.

2.The petitioner, an elected President of a Village Panchayat, has challenged the proceedings of the District Collector dated 16.07.2014, in and by which, the petitioner's cheque signing power, as a co-signatory for the Panchayat cheques, has been suspended on the ground a criminal case has been filed against the petitioner on the allegation that he has taken bribe of Rs.4,500/-.

3.It is not in dispute that the criminal case registered under the Prevention of Corruption Act and other I.P.C. offence is now pending. The impugned proceeding has been issued subject to the out come of the criminal case.

4.The learned counsel for the petitioner elaborately referred to the factual matrix and submitted that the impugned proceedings as wholly illegal and against the settled legal position as decided by this Court in the case of S.UDAYAKUMAR Vs. DISTRICT COLLECTOR-CUM-INSPECTOR OF PANCHAYATS reported in (2009) 5 MLJ 537. Since the cheque signing power was not restored, the petitioner submitted a representation to the District Collector on 05.10.2015 and since no action was taken to review the order suspending the cheque signing power, the petitioner is before this Court.

5.In my view, the impugned order is not an order permanently cancelling the petitioner's cheque signing power. But it is, in effect, an order suspending the cheque signing power pending outcome of the criminal case. The allegation in the criminal case appears to be quite serious, since it relates to an allegation of accepting bribe and it appears to be a 'Trap' case. Therefore, on the grounds raised by the petitioner, this Court is not inclined to quash the impugned proceedings. However, since a representation has been given by the petitioner on 05.10.2015, the petitioner is at liberty to pursue his representation before the first respondent which shall be considered in accordance with law.

6.The Writ Petition is dismissed with the above observation. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sgl

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

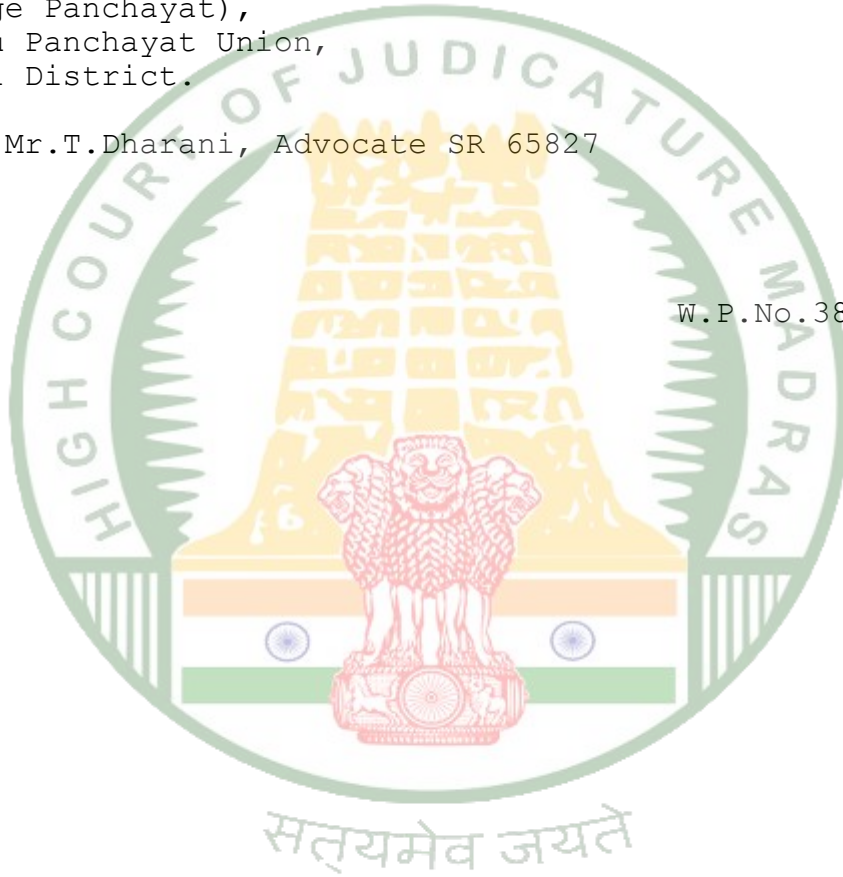
To

1. The District Collector,
(Inspector of Panchayats),
Vellore District.
2. The Assistant Director (Panchayats),
Collector Office campus,
Vellore District.
3. The Block Development Officer,
(Village Panchayat),
Sembedu Panchayat Union,
Chennai District.

+ 1 cc to Mr.T.Dharani, Advocate SR 65827

kk(co)
prk16/12

W.P.No.38565 of 2015



WEB COPY