

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2015

CORAM

THE HON'BLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.39237 of 2015 &
M.P.Nos.1 & 32of 2015

- 1 S. Gnanasoundari
- 2 V.T. Selvan
- 3 D.Surendran
- 4 M.N.Raja

All are Members of
Thiruthuraipoondi
Panchayat Union,
Thiruvarur District

[PETITIONERS]

Vs

- 1 The Secretary to Government
Rural Development Department .
Fort St George, Chennai - 600 009
- 2 The Director of Rural Development
Panagal Building,
Saidapet, Chennai.
- 3 The Collector
Thiruvarur District
- 4 The Block Development Officer
Office of the Block Development Office
Thiruthuraipoondi, Thiruvarur District.
- 5 Tmt. Vedanayagi Singaravelu
Chairman, Thiruthuraipoondi
Panchayat Union
Thiruvarur District.

[RESPONDENTS]

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of certiorarified mandamus, to call for the records connected with proceedings issued in Na.Ka. No. 1914/2013/A2 dated 30.11.2015 passed by the 5th Respondent called meeting to be convened on 07.12.2015, the agenda and subjects contained in the letter issued on 30.11.2015, which was passed without the consent of the petitioners and quash the same and consequently direct the 1st Respondent to implement section 207 under the Tamil Nadu Panchayat Union Act ,1994 against the

5th Respondent which was already recommended by the 3rd Respondent issued in his proceedings Na. Ka.No. 6444/2014/A1 (Development) dated 17.11.2015.

For Petitioners .. Mr.S.Ilamvaludhi
For Respondents 1 to 4.. Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

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

2.Heard Mr.S.Ilamvaludhi, learned Counsel appearing for the petitioner, Mr.R.Vijayakumar, learned Additional Government Pleader who accepted notice on behalf of the respondents.

3.The petitioners have filed this Writ Petition challenging the communication sent by the fifth respondent in the capacity of Chairman of the Panchayat Union.

4.It is seen that the impugned proceedings is a communication enclosing the resolutions passed in the meeting convened on 07.12.2015. It is admitted by the petitioners that they have received the notice of the said meeting, attended the meeting and subsequently boycotted the meeting. The petitioners appear to have grievances against the various decisions taken, but the primary contention raised in this Writ Petition is that the District Collector has initiated proceedings against the fifth respondent by constituting a committee, the Committee has submitted a report and the said report is now under consideration of the Government, as it has been forwarded by the District Collector to the Government. Therefore, it is submitted that when the District Collector himself was satisfied that the activities of the fifth respondent has to be enquired into, then the fifth respondent should not be permitted to chair the meeting and pass resolutions in the meeting.

5.Heard the learned Additional Government Pleader on the above submissions.

6.Admittedly, the petitioners are elected members of the Panchayat Union and they have boycotted the meeting held on 07.12.2015. If the petitioners have any grievances as against the individual resolution in the said meeting, then their remedy is elsewhere and not before this Court. Furthermore, as on date, there is no action initiated against the fifth respondent and the matter is now pending consideration of the Government.

Therefore, at this stage of the matter, the impugned proceedings which are in fact resolutions which were adopted in the meeting held on 07.12.2015, cannot be quashed.

7.Hence, the Writ Petition stands dismissed. However, in the event, the Government takes a decision, it is needless to state that whatever done by the fifth respondent in the capacity of Chairman could be subject the orders to be passed by the Government. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rpa

To

- 1 The Secretary to Government
Rural Development Department .
Fort St George, Chennai - 600 009
- 2 The Director of Rural Development
Panagal Building,
Saidapet, Chennai.
- 3 The Collector
Thiruvarur District
- 4 The Block Development Officer
Office of the Block Development Office
Thiruthuraipoondi, Thiruvarur District.

+ 1 cc to M/s. R. Vijaykumar, Advocate Sr.68020
+ 1 cc to M/s. Ilamvazudhi.S Advocate SR.67157
+ 1 cc to The Government Pleader Sr.67584

W.P.No.39237 of 2015

GR(CO)
EU 30.12.15