

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 7-4-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.9963 of 2015
and
M.P.Nos.1 and 2 of 2015

S.Vijayakumar

...Petitioner

vs

1. The District Collector
Thiruppur

2. The Block Development Officer
Udumalpet, Thiruppur District

3. The Panchayat President
Periya Valavadi Panchayat
Udumalpet Taluk
Thiruppur District

4. D.Kokilavani

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records pertaining to the impugned order dated 23.3.2015, in his proceedings in Na.Ka.No.3084/2013/A1 issued by the first respondent and quashing the same.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.S.V.Duraisolaimalai
Additional Government Pleader
for RR1 & 2

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner is the Vice President of Periya Valavadi Panchayat, Udumalpet Taluk, Thiruppur District and he had difference of opinion with the fourth respondent, who is the President of the said Panchayat, on account of the fact that he has given a complaint against her. The fourth respondent enraged by the act of the petitioner, instigated the other Panchayat Members to pass a resolution against the petitioner and challenging the legality of the said Resolution No.77 dated 20.11.2014, the petitioner approached this Court by filing W.P.No.31786/2014. This Court, after considering the materials placed before it, and upon hearing the rival submissions, has disposed of the said writ petition vide order dated 24.2.2015, and it is relevant to extract paragraph No.6 of the order as under:-

"6.In the light of the above, the Writ Petition is disposed of by observing that merely because the resolution has been passed by the Panchayat, it does not automatically follow that the cheque signing power of the petitioner will be withdrawn and it is for the first respondent to consider the same only after issuing notice to the petitioner. In this regard, the first respondent should take note of the decision of the Hon'ble Division Bench of this Court in the case of Pugazhendran vs. B.G.Balu reported in 2005 (1) CTC 545 and the decision of this Court in the case of P.Rajendran Vs. The District Collector, reported in CDJ 2007 MHC 5259, which was rendered following the decision of the Hon'ble Division Bench of this Court and pass order on merits and in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed."

3.The first respondent, in terms of the above said order, has passed the impugned order dated 23.3.2015, withdrawing the cheque signing power given to the petitioner in his capacity as Vice President of the third respondent Panchayat and aggrieved by the same, the present writ petition has been filed.

4.The learned Counsel appearing for the petitioner, would submit that this Court in paragraph No.6 of the order dated 24.2.2015, made in W.P.No.31786/2014, has clearly indicated the procedure to be followed in terms of the judgment rendered by the First Bench of this Court reported in 2005 (1) CTC 545 [PUGAZHENDRAN V. B.G.BALU AND OTHERS), and without considering the said decision in proper perspective, the first respondent has chosen to pass a cryptic/non-speaking order and hence, prays for quashment of the same.

5.Per contra, Mr.S.V.Duraisolaimalai, learned Additional Government Pleader appearing for the respondents 1 and 2, would

submit that the first respondent, after due application of mind to the entire materials placed before him, has rightly passed the impugned order and prays for dismissal of the writ petition.

6.This Court, upon considering the rival submissions and on perusal of the materials available on record, is of the view that the impugned order warrants interference for the following reasons.

7.This Court vide order dated 24.2.2015, made in W.P.No.31786/2014, has clearly indicated the procedure to be followed by the first respondent as to the withdrawal of cheque signing power. As per the said order, the first respondent was directed to follow the judgment rendered by the Division Bench of this Court reported in 2005 (1) CTC 545 (cited supra). As rightly contended by the learned Counsel appearing for the petitioner, the purport of the said judgment has not been taken into consideration by the first respondent and hence, on the sole ground, the impugned order is liable to be quashed and the matter be remitted back to the first respondent for fresh adjudication.

8.In the result, the writ petition is allowed and the impugned order dated 23.3.2015, passed by the first respondent, is set aside and the matter is remitted to the first respondent, who shall take into consideration the order dated 24.2.2015, made in W.P.No.31786/2014, and the judgment reported in 2005 (1) CTC 545, and pass orders as expeditiously as possible and not later than two weeks from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

nsv

To

1. The District Collector
Thiruppur
2. The Block Development Officer
Udumalpet, Thiruppur District

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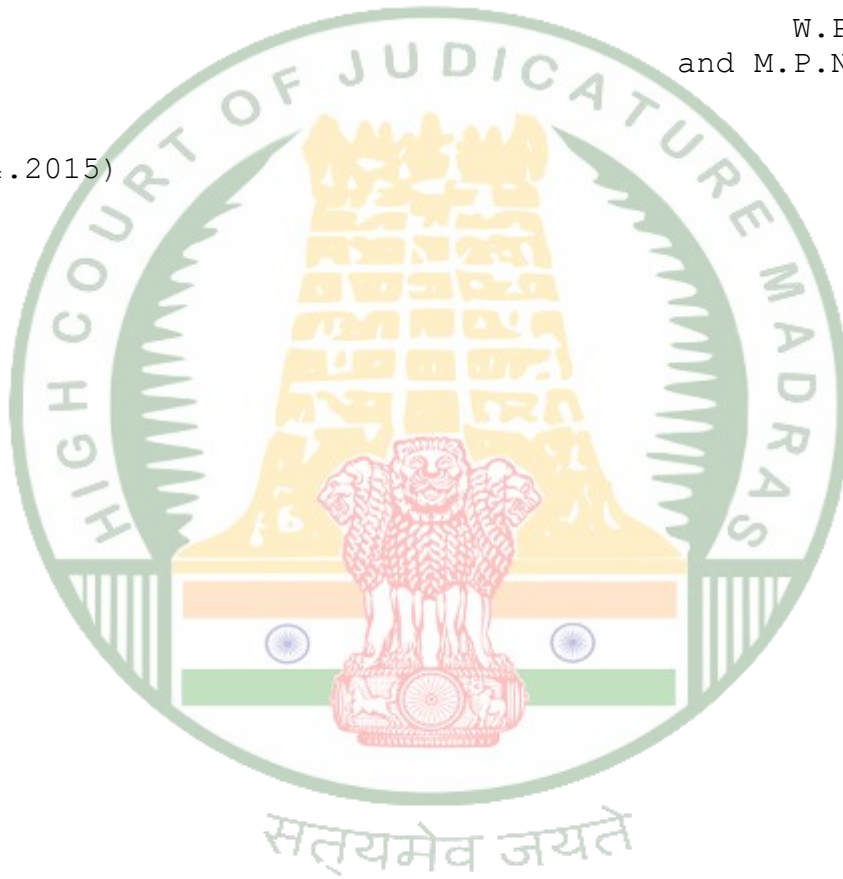
3. The Panchayat President
Periya Valavadi Panchayat
Udumalpet Taluk
Thiruppur District

1 CC to Mr.R.Nalliyappan, Advocate SR.No. 19090

1 CC to the Government Pleader, SR.No. 19261

W.P.No.9963 of 2015
and M.P.Nos.1 & 2 of 2015

VGI (CO)
PSI (20.04.2015)



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