



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2015

CORAM:

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HONOURABLE DR.JUSTICE S.TAMILVANAN

W.A(MD)No.33 of 2015
and M.P.(MD)No.1 of 2015

G.Chandran
Vice President of
Keezhaiyur Village Panchayat
Keeshaiyur Village and Post
Madurai District.

... Appellant/Petitioner

Versus

1. The District Collector and
Inspector of Panchayat
Madurai District, Madurai

2. The Assistant Director of Panchayat
Madurai District, Madurai.

3.The Block Development Officer
Village Panchayat
Melur Panchayat Union
Melur, Madurai.

4.Keezhaiyur Village Panchayat
represented by its Panchayat
President - Kalyanaselvi
Keezhaiyur Village,
Madurai.

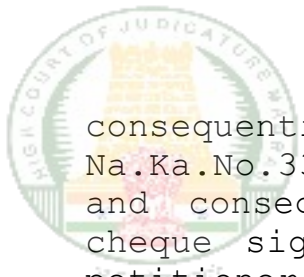
5.P.Venkatesan

6. P.Kalyanaselvi

...Respondents/Respondents

Writ Appeal filed under Clause 15 of Letters Patent against
the order dated 11.09.2014, made in W.P.(MD)No.12988 of 2014.
Prayer in WP(MD). 12988/ 2014:

under Article 226 of the Constitution of India to issue a writ
of certiorarified mandamus calling for the records pertaining to
the second respondent's impugned show cause notice in
No. P.S. N. 30156/2011/Ou.E(Oo.)A4, dated 04.07.2014 as well as the
fourth respondent Panchayat resolution No.15, dated 20.06.2014 and



consequential final order of the first respondent in Na.Ka.No.3316/2012/Ou.E(Oo.)A4, dated 22.07.2014, quash the same and consequently directing the first respondent to issue the cheque signing power of the fourth respondent Panchayat to the petitioner.

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For Appellant : Mr.M.Venkatesan
For Respondents : Mr.A.K.Baskara Pandiyan
Special Government Pleader for R.1 to R.4

JUDGMENT

[Judgment of the Court was delivered by The Hon'ble Chief Justice]

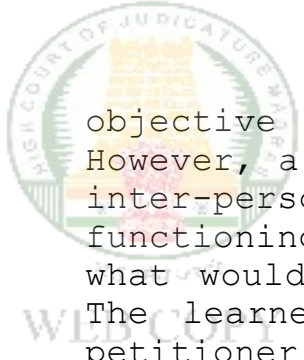
The appellant is the Vice President of the Keezhaiyur Village Panchayat. The President of the Panchayat is the 6th respondent. There is a running battle in between the petitioner and the 6th respondent and the petitioner refused to jointly sign the cheques issued on behalf of the Panchayat, as according to him, the 6th respondent was not acting in accordance with the norms and the tenders issued were without following the principles of transparency. The petitioner also made complaints to the Respondents Nos.1 to 3 about the functioning of the 6th respondent which are stated to be pending consideration.

2.The respondents/authorities faced with the situation of the log jam, issued show cause notice to the petitioner calling upon him to sign the cheques, so that functioning of the Panchayat is not brought to a standstill. The petitioner submitted a detailed reply, but net result was that he refused to sign the cheques. It is in these circumstances, the first respondent passed an order dated 22.07.2014, transferring the cheque signing power from the petitioner to the 5th respondent, who is a Member of the 1st Ward of Melapatti Village. The petitioner aggrieved by this action, filed a writ petition before this Court which has been dismissed by the impugned order dated 11.09.2014 of the learned Single Judge.

3. We have heard the learned counsel for the parties.

4. The principal grievance of the petitioner is that he is being unnecessarily prejudiced by being deprived of his cheque signing power while it is he who was made complaints against the 6th respondent. His further submission is that such cheque signing power could not have been transferred in view of various judicial pronouncements as referred to as in paragraph-7 of the impugned order.

<https://hcservices.courts.gov.in/hcservices> is no doubt that the constitutional scheme of delegation of powers for local self-governance remains a primary



objective and that is why the Panchayats are constituted. However, a situation can also be not countenanced where due to the inter-personnel battle between the two elected Officers, the functioning of the Panchayat is brought to a standstill. This is what would happen, if the petitioner does not sign the cheques. The learned Single Judge in fact, has observed that while the petitioner was well within his rights to have asked for the records and vouchers, it cannot be a situation where he refuses to sign cheques till such time as the complaints are examined. It is still to be found out by the concerned authorities whether the allegations are correct or not and whether they arise out of the factual basis or personal animus.

6. The Judgments referred to by the petitioner were on the principle that the authorities could not usurp the power of signing of the cheques, but the same has been distinguished by the fact that it is not the authorities who have taken over the signing power, but have been given to the Member of the 1st Ward of Melapatti Village, for the smooth functioning of the Panchayat till such time, as the complaints made by the petitioner against the 6th respondent are looked into. In our view, this is necessary for the functioning of the Panchayat and we see no reason to interfere with the elaborate and well reasoned order of the learned Single Judge.

7. We would however simultaneously like to emphasis that the complaints made by the petitioner must be now expeditiously looked into and a reasoned decision be taken on the same by the second respondent, after notice to all concerned. We call upon the second respondent to take a final view in this matter within a period of two months of the communication of the order. Any further steps would depend on the result of this enquiry. Suffice to say that the cheque signing power given to the 5th respondent is by way of only a temporary arrangement for the smooth functioning of the Panchayat.

8. The writ appeal stands accordingly dismissed with the aforesaid direction. Consequently, M.P(MD).No.1 of 2015 is closed. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True copy/

Sub Assistant Registrar

ksr

To

1. The District Collector and

<https://hcmisecourt.gov.in/cse/Pes> Panchayat

Madurai District, Madurai



2. The Assistant Director of Panchayat
Madurai District, Madurai.

3. The Block Development Officer
Village Panchayat
Melur Panchayat Union
Melur, Madurai.

+1cc to MR.M.VENKATESAN, ADVOCATE IN SR NO.5446

+1cc to MR.T.LAJAPATHI ROY, ADVOCATE IN SR NO.5396

W.A (MD) No.33 of 2015
05.02.2015

RG.06.02.2015

4P.6C.