



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **11.08.2015**

CORAM

THE HONOURABLE **MR. JUSTICE R. SUBBIAH**

W.P(MD) .No.12818 of 2015

and

M.P(MD) Nos.1 & 2 of 2015

Mrs.P.Ponnuthayee,
President, Thittangulam Village Panchayat,
Kovilpatti Panchayat Union,
Thoothukudi District.

(Cause title amended vide Court order dated
28.07.2015 in M.P.No.3/2015 by RMDJ)

... Petitioner

Vs.

1.The District Collector and Inspector of Panchayats,
Thoothukudi District,
Thoothukudi.

2.The Block Development Officer(VP),
Kovilpatti Panchayat Union,
Kovilpatti,
Thoothukudi District.

3.The Manager,
Central bank of India,
Kovilpatti,
Thoothukudi District.

Respondents

...

This Writ Petition has been filed praying for a Writ of Certiorari to call for the records on the file of the first respondent in pursuant to the impugned order passed by the first respondent vide his proceedings in Oni5/2960/2014, dated 07.07.2015 and quash the same as illegal and arbitrary.

For petitioner

: Mr.D.Selvam for

Mr.G.Thalaimutharasu

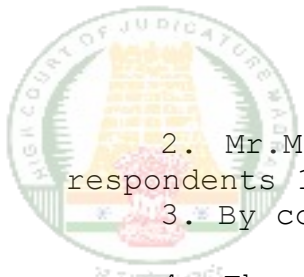
For R-1 & R-2

: Mr.M.Rajarajan

Government Advocate

ORDER

The Writ Petition has been filed praying for a Writ of Certiorari to call for the records on the file of the first respondent pursuant to the impugned order passed by the first respondent vide his proceedings in Oni5/2960/2014, dated 07.07.2015 and quash the same as illegal and arbitrary.



2. Mr.M.Rajarajan, learned Government Advocate takes notice for the respondents 1 and 2.

3. By consent, this Writ Petition itself is taken up final disposal.

4. The case of the petitioner is that the petitioner is holding the post of Panchayat President of Thittangulam Panchayat for the second time. The first respondent vide his proceedings in Ooni5/2960/2014, dated 07.07.2015 has directed the second respondent to verify the genuineness of each and every cheque to be presented by the petitioner and only after satisfying with the genuineness, he shall issue authorization letter to the third respondent bank for withdrawal of cash by invoking the emergency provision under Section 203 of Tamil Nadu Panchayats Act, 1994. Aggrieved over the said order, the petitioner has come up with the present Writ Petition for the above stated relief.

5. The only submission made by the learned counsel for the petitioner is that the petitioner is the President of Thittangulam Panchayat and when that being so, the first respondent has passed the impugned order without giving an opportunity of hearing to the petitioner, directing the second respondent to asses the need for the expenditure of the panchayat with reference to the records and files and thereafter to give authorisation for the clearance of the cheques issued by the village panchayat. Therefore, the impugned order, permitting the second respondent to issue authorisation letter for each and every cheque, is nothing but destroying the introduction of the Local Self Government., (ie.) Village Panchayat. Hence, the impugned order is liable to be quashed.

6. The second respondent has filed a detailed counter affidavit denying the averments made in the Writ Petition.

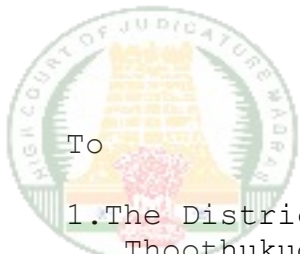
7. The learned Government Advocate appearing for the respondents 1 and 2 submitted that the said order was not passed with an intention to take away the power of the Village Panchayat in issuing cheques, but to prevent her from acting in any manner prejudicial to the welfare of the public. Further, the petitioner is facing proceedings under Section 205 (1)(a) of Tamil Nadu Panchayat Act, 1994.

8. Though very many contentions have been raised in the affidavit, in view of the submission made on either side, this Court need not traverse into the averments made in this Writ Petition. The only grievance of the petitioner is that the impugned order was passed without giving an opportunity of being heard the petitioner. Therefore, In my considered opinion, a direction could be given to the first respondent to pass a fresh order after giving opportunity of hearing to the petitioner herein.

9. In view of the above, This Writ Petition is allowed. No Costs. Consequently, connected miscellaneous petitions are closed. The impugned order of the first respondent, dated 07.07.2015, is hereby set aside and the first respondent is directed to give an opportunity of hearing to the petitioner and thereafter, issue a fresh order, within a period of four weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar



To

1.The District Collector and Inspector of Panchayats,
Thoothukudi District,
Thoothukudi.

2.The Block Development Officer(VP),
Kovilpatti Panchayat Union,
Kovilpatti,
Thoothukudi District.

3.The Manager,
Central bank of India,
Kovilpatti,
Thoothukudi District.

+1cc to M/S. G.Thalaimutharasu, Advocate in SR.No 46276

TS/14.08.2015/3P - 5C KBM/SAR -II

W.P(MD) .No.12818 of 2015
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