



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :21.09.2015
CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P (MD) .No.17021 of 2015

Kandhalur Village Panchayat,
Rep. By its President,
P.Marimuthu

...Petitioner

Vs.

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

2.The Assistant Director of Panchayat,
O/o.the Assistant Director of Panchayat,
Trichy District, Trichy.

3.The Block Development Officer(Village Panchayats),
Thiruverampur Panchayat Union,
Thiruverampur Post,Trichy District.

4.P.Ponnaiyan,
Vice President,
Kandhalur Village Panchayat,
Kandhalur Village,Trichy District.

...Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondent No.1 to cancel the cheque signing power of the respondent No.4 and consequently direct the respondent No.1 to authorise 3rd ward member namely B.Thangamani or any other member of the Kandhalur Panchayat other than the respondent No.4 to operate the account along with the president, in the light of G.O.Ms.No.146 issued by Rural Development and Panchayat Raj Department, dated 17.08.2007 within the time stipulated by this Court.

For petitioner	: Mr.S.Rajasekar
For Respondents 1 to 3	: Mr.S.Kumar, Additional Government Pleader

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the first respondent to cancel the cheque signing power of the fourth respondent and consequently direct the first respondent to authorise 3rd ward member namely B.Thangamani or any other member of the Kandhalur Panchayat other than the respondent No.4 to operate the account along with the president, in the light of G.O.Ms.No.146 issued by Rural Development and Panchayat Raj Department, dated 17.08.2007 within a stipulated time.



2. It is averred in the petition that the petitioner was elected as the President of Kandhalur Village Panchayat for the third time in the year 2011 and he is discharging the duty as Village President without any blemish. There are 600 families in the village panchayat. There are several schemes such as Indira Gandhi Awas Yogna Scheme, Green House Scheme, 100 days employment scheme, Village Poverty Eradication Committee, Public and Individual Sanitation Scheme etc., to be implemented in the village. But, the fourth respondent, who is the Vice President of the village panchayat, is continuously causing inconvenience to the administration of the village panchayat. Further, he is not co-operating to execute the functions of the panchayat. Hence, the petitioner has made a representation to the fourth respondent on 07.09.2015 to cancel the cheque signing power of the fourth respondent and to authorise the 3rd ward member namely one B.Thangamani, to operate the account along with the petitioner. But the same was not considered so far. Hence, the petitioner has come forward with the present Writ Petition for the above stated relief.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who takes notice for R-1 to R-3. In view of the nature of order going to be passed in this Writ Petition, there is no need to issue notice to the fourth respondent.

4. Considering the submissions made by the learned counsel for the petitioner, without going into the merits of the averments made in the Writ Petition, this Court directs the first respondent to consider the representation of the petitioner, dated 07.09.2015, and pass appropriate orders on merits and in accordance with law, by affording an opportunity of hearing to fourth respondent as well as all the necessary parties, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the first respondent to consider the same purely on merits.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

pm

To

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

2.The Assistant Director of Panchayat,
O/o the Assistant Director of Panchayat,
Trichy District, Trichy.



3.The Block Development Officer(Village Panchayats),
Thiruverampur Panchayat Union,
Thiruverampur Post, Trichy District.

+1 cc to MR.T.LAJAPATHI ROY , ADVOCATE, SR NO: 55735

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