

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2016

CORAM

THE HONOURABLE Mr.JUSTICE N.KIRUBAKARAN

W.P.No.11122 of 2016

K.Rathika

..Petitioner

Vs.

1.The District Collector/The Inspector of Panchayat,
Vellore District, Sactuvacheri,
Vellore - 632 009.

2.The Assistant Director of Panchayat,
O/o. of the The District Collector,
Sactuvacheri, Vellore District - 632 009.

3.The Block Development Officer (Panchayat)
Theimeri Panchayat Union,
Theimeri, Vellore - 632 512.

4.K.Ragothamman ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to pass orders on the petitioner's representation dated 11.12.2015 seeking permission of cheque signing power along with the President of Valaiyathur Panchayat by considering recommendations made by him in his letter daed 01.10.2015.

For Petitioner : Mr.V.Saravanan

For Respondents: Mr.V.Jayaprakash Narayanan
Special Government Pleader
(For R1 to R3)

ORDER

The petitioner is one of the ward member of the Valaiyathur Village Panchayat, Timiri Panchayat Union, Arcot Taluk, Vellore District. One Mrs.Kali was elected as President at the said Panchayat and the said election was challenged by one Mrs.R.Shanthi in Election O.P.No.4 of 2011 and the same was allowed by the learned Principal District Judge, Vellore. Therefore, the said Mrs.R.Shanthi assumed charge as President of the Valaiyathur Panchayat on 25.09.2015.

2.A complaint against the Ex.President Mrs.Kali alleging that she has mis-appropriated a sum of Rs.63,00,000/- is pending before the first respondent. On that basis, the first respondent initiated proceedings under Section 205 of the Tamil Nadu Panchayat Act against the Ex.President. The 4th respondent, who is the Vice President is also said to have associated with the said Ex.President regarding the mis-appropriation. Therefore, an enquiry was conducted by the Tahsildar and views of the ward members have been obtained and the same has been forwarded to the first respondent/the District Collector.

3.The present President convened a meeting on 28.09.2015 to decide about the relevant issues against the Ex.President and the 4th respondent. The ward members lost confidence on the 4th respondent and therefore it was decided to withdraw the cheque signing power of the Vice President. After the resolution was passed by the Panchayat, the President sent a letter on 01.10.2015 to the respondents 1 to 3 intimating the resolution and requested the first respondent to grant permission to the petitioner to sign the cheque along with the President. Based on the said letter, the Block Development Officer conducted an enquiry on 28.10.2015 and obtained the views of the ward members. In the said enquiry, six ward members have given a statement to remove the cheque signing power of the 4th respondent and voted in favour of the petitioner. In spite of the enquiry by the 3rd respondent, the first respondent has not granted any permission to the petitioner regarding the cheque signing power. Therefore, the petitioner sent a representation on 11.12.2015 to the respondents 1 and 2 in this regard. On 16.12.2015, the second respondent issued a communication stating that as soon as the report is received from the third respondent, orders will be passed by the first respondent. Till date, no action has been taken. Therefore, the petitioner is before this Court.

4.Heard Mr.V.Saravanan, learned counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondents 1 to 3. Though the 4th respondent is served and his name is shown in the cause list, no one entered appearance on his behalf.

5.Taking into consideration the limited scope of the prayer in the writ petition, this Court only directs the first respondent to pass orders on the petitioner's representation dated 11.12.2015 on its own merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

6.With the above direction, the writ petition is disposed of. No costs.

cse

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The District Collector/The Inspector of Panchayat,
Vellore District, Sactuvacheri,
Vellore - 632 009.

2.The Assistant Director of Panchayat,
O/o. of the The District Collector,
Sactuvacheri, Vellore District - 632 009.

3.The Block Development Officer (Panchayat)
Theimeri Panchayat Union,
Theimeri, Vellore - 632 512.

+ 1 cc to The Govt.Pleader, Sr 43906

+ 1 cc to Mr.J.Shanmuga Sundara Babu, Advocate Sr 43867

KR/11/8/16

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