

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 25.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.1516 of 2015
and M.P.No.1 of 2015

V.Chitra

.. Petitioner

Versus

1. The District Collector
Villupuram District, Villupuram.
2. Tahsildar,
Sankarapuram Taluk,
Villupuram District.
3. The Assistant Director of Panchayats,
Villupuram District,
Villupuram.
4. Mr.R.Sinkaravel
5. Mr.P.Jeyamani
6. Mrs.M.Anjalai
7. Mr.M.Gunasekaran
8. Mr.P.Nagajothi
9. Mrs.M.Jebamalai Mary
- 10.Mr.Maria Soosai
- 11.Mrs.G.Alamelu
- 12.Mr.R.Ganesan

.. Respondents

[R4 to R12 impleaded vide order of the Court [TSSJ] dated 25.02.2016 in M.P.No.2 of 2015 in W.P.No.1516 of 2015]

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus, calling for the entire records relating to the proceedings of the 1st respondent in Na.Ka.No.A2/212/2014-1 dated 2.1.2015 and quash the same and consequently forbearing the respondents from in any manner holding proceedings under Section 205 of the Panchayat Act in pursuance of the said impugned proceedings.

For Petitioner : Mr.P.Srinivas

For Respondents: Mr.R.Rajeswaran (for R1 to R3)
Special Government Pleader
Mr.M.Palanimuthu (for R4 to R12)

O R D E R

Heard Mr.P.Srinivas, learned counsel for the petitioner, Mr.R.Rajeswaran, learned Special Government Pleader, appearing for respondents 1 to 3 and Mr.M.Palanimuthu, learned counsel appearing for respondents 4 to 12.

2. The petitioner, who is an elected President of the Village Panchayat has filed this writ petition challenging the proceedings of the District Collector / Inspector of Panchayat dated 02.01.2015. By the said proceedings, the District Collector has directed the Thasildar to convene the meeting to consider the proposal for removal of the petitioner from the office of the President.

3. It appears that there has been several earlier litigation pertaining to the petitioner's communal status. However, at this stage, the same need not be gone into, since, the issue in this writ petition lies in a very narrow campus. A show cause notice dated 01.02.2014 was issued to the petitioner calling upon her to submit her explanation as to why, she should not be removed from the office of the President under Section 205 of the Act. The petitioner did not submit her explanation within time, but, she is stated to have addressed a letter to the Block Development Officer requesting for clarification regarding the audit objections which are raised earlier. The District Collector proceeded to issue the impugned order directing the Tahsildar to convene the meeting.

4. In the impugned proceedings, it is seen that the petitioner's explanation sent through proper channel has been received by the District Collector belatedly on 30.10.2014. The reason for delay in submitting the explanation was found to be not convincing and therefore, the District Collector proposed to pass the impugned order. This Court, at the time when the writ petition was entertained, granted an order of interim stay by virtue of which, the meeting could not be convened, within the time fixed by the District Collector in the impugned proceedings.

5. In the counter affidavit filed by the District Collector, the fact that the petitioner submitted her explanation has been admitted, but, it is stated that the explanation was not received on time. Even assuming that the explanation was not received on time, since action was initiated to convene the

meeting only subsequently, i.e., nearly after two months, the 1st respondent could have considered the representation and proceeded to take action. However, this having not been done, the impugned proceedings dated 02.01.2015 has to be faulted. Furthermore, the newly impleaded respondents submitted that there are serious allegations against the petitioner and she has obtained a community certificate by furnishing false information and this is the 6th writ petition filed by the writ petitioner before this Court for varied reliefs. Further, it is stated that at present the Panchayat Clerk and the Block Development Officer are carrying on the administration of the panchayat without following proper procedure.

6. In the light of the above discussion, this is a fit case where, the matter has to be remanded to the District Collector for fresh consideration and taking appropriate action in terms of the provisions of the Act and rules, after taking note of the petitioner's explanation stated to have been received on 30.10.2014.

7. Accordingly, the writ petition is allowed and the order dated 02.01.2015, is set aside and the matter is remanded to the 1st respondent to take into consideration the petitioner's explanation, received through proper channel on 30.10.2014 and after considering the same on merits and in accordance with law, the 1st respondent is directed to proceed in accordance with Tamilnadu Panchayat Act and the Rules framed therein. The above direction shall be complied with, within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

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s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The District Collector Villupuram District, Villupuram.
 2. Tahsildar, Sankarapuram Taluk, Villupuram District.
 3. The Assistant Director of Panchayats, Villupuram District, Villupuram.
- + 1 cc to Mr. Srinivas, Advocate, SR12303
+ 1 cc to Mr. M. Palanimuthu, Advocate Sr 12300 (11/3/16)

mg (co)
prk10/3

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