

In the High Court of Judicature at Madras

Dated :: 15.04.2016

Coram ::

The Hon'ble Mr. Justice T.S. Sivagnanam

Writ Petition No: 29455 of 2015

&

WPMP.No.1 & 2 of 2015

K. Krishnamurthy
Vice President
Sengadu Village Panchayat
Wallajah Panchayat Union
Wallajah Taluk
Vellore District.

... Petitioner

-vs-

1. The Inspector of Panchayats
and District Collector
Vellore District.
2. The Block Development Officer
(Village Panchayat)
Wallajah Panchayat Union
Wallajah, Vellore District.
3. The President
Sengadu Village Panchayat
Wallajah Panchayat Union
Wallajah, Vellore District.
4. Thiru. Nandan
Ward Member, 3rd Ward
Sengadu Village Panchayat
Wallajah Panchayat Union
Wallajah, Vellore District.

.... Respondents

Writ Petition under Article 226 of the Constitution of India
praying for issuance of a writ of certiorari calling for the
records pertaining to the orders passed by of the 1st respondent
in Na. Ka. A4/2257/2015 dated 05.09.2015 and quash the same.

For petitioner :: Mr. S. Kamadevan
For 1st respondent :: Mr. RM. Muthukumar
 Government Advocate
For resps. 2 & 3 :: Mr. R. Govindasamy
For 4th respondent :: Ms. B. Keerthi

O R D E R

The petitioner is the elected Vice President of the third respondent Village Panchayat. By virtue of the impugned proceedings, his cheque signing power as a co-signatory to the Panchayat cheques along with the President of the Panchayat has been divested and entrusted to one of the Ward Member. It is not in dispute that the members of the Panchayat passed a resolution against the petitioner and forwarded the same to the District Collector for taking action against the petitioner as he had not co-operated in the affairs of the Panchayat and did not sign the cheques. As a result of this, the entire activities of the Panchayat had come to a standstill. Based on such resolution and appropriate reports, the petitioner was issued with a show cause notice as to why he should not be divested with the cheque signing powers. A reply was received and thereafter, the impugned order has been passed.

2. This Court, at the time of admission of the writ petition, has granted an interim order on 18.09.2015 on the ground that without issuing show cause notice and without conducting any meeting, the impugned order came to be passed. It is accepted by the learned counsel appearing for the petitioner that a meeting was in fact conducted by the second respondent prior to the passing of the impugned order. Therefore, what weighed in the mind of the Court while granting interim order appears to be factually incorrect.

3. Be that as it may, the allegation against the petitioner is that he is refusing to co-operate with the President in signing the cheques of the Village Panchayat. It is now represented before this Court that, even after obtaining an interim order from this Court the petitioner is not extending his co-operation by signing the cheques of the Village Panchayat.

4. In the light of the above, the question of quashing the impugned proceedings does not arise on account of the subsequent development. However, there will be a direction to the 1st respondent to enquire into the matter afresh and examine the conduct of the petitioner after the grant of interim order by

this Court on 18.09.2015. If the Collector finds that the petitioner is still not extending his co-operation for untenable reasons then, the District Collector can pass fresh orders in accordance with law. The above said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. The writ petition stands disposed of accordingly. Connected miscellaneous petitions are closed. There shall be no orders as to the costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Panchayats
and District Collector
Vellore District.
2. The Block Development Officer
(Village Panchayat)
Wallajah Panchayat Union
Wallajah, Vellore District.
3. The President
Sengadu Village Panchayat
Wallajah Panchayat Union
Wallajah, Vellore District.

+1 cc to the Government pleader High Court Madras
sr 23857

+1 cc to M/s.S.Kamadevan Advocate sr.23655

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W.P. No: 29455 of 2015

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