

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.36822 of 2015

&

M.P.Nos.1 & 2 of 2015

P.M.Balu

[PETITIONER]

Vs

1 The District Collector/Inspector of Panchayats
Cuddalore District,
Cuddalore.

2. The Block Development Officer,
(Village Panchayat)
Panrutti Panchayat Union,
Panrutti Taluk,
Cuddalore District.

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Certiorari to call for the records of the first respondent in his letter A8/0272/2015 dated 10.07.2015 and quash the same.

For Petitioner : Mr.A.R.Nizon
For Respondents : Mr.R.Rajeswaran,
Spl. Govt. Pleader for R1
Mr.V.Subbiah,
Spl. Govt. Pleader for R2

O R D E R

Heard Mr.A.R.Nizon, learned Counsel appearing for the petitioner, and Mr.R.Rajeswaran, learned Special Government Pleader accepting notice for the first respondent and Mr.V.Subbiah, learned Special Government Pleader accepting notice for the second respondent and with their consent the Writ Petition is taken up for final disposal.

2.The petitioner has challenged the order passed by the first respondent dated 10.07.2015, in and by which, the petitioner's cheque signing power as a co-signatory of the Panchayat's cheques have been withdrawn by exercising powers under Section 203 of the Tamil Nadu Panchayats Act, 1994 (in short 'the Act').

3.Since the legal issue is squarely covered by an order passed by the Madurai Bench of this Court in LOGESWARI V. THE DISTRICT COLLECTOR, TIRUCHIRAPPALI IN W.P.(MD) No.139 of 2013, dated 04.04.2013, this Court, at the time of admission, granted an order of interim stay.

4.Heard the learned counsel for the parties.

5.The issue which fell for consideration before this Court in the case of LOGESWARI (supra), is whether the emergency powers conferred on the District Collector under Section 203 of the said Act, would enable him to take away the cheque signing power of the President and the Vice President of the Village Panchayat under sub Section 3 of Section 188 of the Act.

6.The said question was answered by this Court holding that the District Collect has no power under Section 203 of the Tamil Nadu Panchayats Act, to take away the cheque signing power of the President and the Vice President. In the instant case, the impugned order has been passed invoking the power under Section 203 of the Act.

7.Since the issue being squarely covered, the impugned order has to be held to be not sustainable in law. Accordingly, the writ petition is allowed and the impugned order is quashed. No costs. Consequently, connected miscellaneous petitions are closed.

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-s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1. The District Collector/Inspector of Panchayats
Cuddalore District,
Cuddalore.
2. The Block Development Officer,
(Village Panchayat)
Panrutti Panchayt Union,
Panrutti Taluk,
Cuddalore District.

+ 1 cc to Mr.A.R.Nixon, Advocate SR 5030

svi(co)
prk4/2

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