

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.37077 of 2015

and

M.P.No.1 & 2 of 2015

K.Ravi,
S/o.B.Krishnan
No.2/36, Pillayar Koil Street,
Then Nandhiyalam,
Rathnagiri Post - 632 517,
Vellore District. ... Petitioner

Vs

1. The State of Tamil Nadu
Rep. by its Secretary to Government
Municipal Administration and Water Supply Department
Vellore.
2. The District Collector
Vellore - 9.
3. The Tahsildar
Wallajah.
4. Abdul Hakeem
S/o. Ismail Sheriff
Nandiyalam Village Panchayat
Arcot Panchayat Union
Wallajah Taluk, Vellore District.
5. Tmt.Amirtham Subramaniam
W/o. Subramanian
Nandiyalam Village Panchayat
Arcot Panchayat Union,
Wallajah Taluk, Vellore District.
6. Tmt.Sudha Mahendran
W/o. Mahendran
Nandiyalam Village Panchyat
Arcot Panchayat Union
Wallajaj Taluk, Vellore District.

(Respondents 4 to 6 are impleaded as per
order dated 09.02.2016 in MP.No.3 of 2015
in WP.No.37077 of 2015

.. Respondents

Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records on the file of the respondents relating to the impugned notice dated 29.10.2015 issued by the third respondent herein bearing Ref.No.Na.Ka.A1/13540/2015 and quash the same and consequently forbear the respondents from initiating any action as against the petitioner pursuant to the show cause notice dated 29.07.2015.

For Petitioner : Mr.T.Saikrishnan
for Mr.Muthamilselvan
For Respondents 1 to 3 : Mr.R.Rajeswaran
Special Government Pleader
For Respondent 4 : Mr.S.Kamadevan

ORDER

Heard Mr.T.Saikrishnan, learned counsel appearing for the petitioner and Mr.R.Rajeswaran, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.S.Kamadevan, learned counsel appearing for the fourth respondent and with their consent this Writ Petition is taken up for final hearing.

2. The petitioner, an elected President of Nandhiyalam Village Panchayat, is aggrieved by the notice issued by the third respondent dated 29.10.2015, in and by which, he has proposed to convene a meeting on 23.11.2015 at 11.00 a.m., which is based on the direction issued by the District Collector vide proceedings dated 28.09.2015.

3. The petitioner has challenged the impugned proceedings primarily on two grounds. Firstly, that he is not aware as to on what basis the District Collector was of the opinion that the explanation submitted by the petitioner to the show cause notice dated 29.07.2015 was not satisfactory. Secondly, it is submitted that the notice is bereft of particulars and it does not specifically state for what purpose the meeting is convened.

4. Section 205 of the Tamil Nadu Panchayat Act 1994 (herein after refers to as Act) deals with the removal of the President. Sub-section 1 of Section 205 of Tamil Nadu Panchayat Act empowers the District Collector to remove the President on his own motion or on a representation in writing signed by not less than two-third of the sanctioned strength of the Village Panchayat containing the statement of charges against the President and presented in person to the Inspector by any two of

the members of the Village Panchayat, and on receipt of the said complaint, the Inspector shall, by notice in writing require the President to offer within specified date his explanation with respect to his acts of omission or commission mentioned in the notice. In accordance with Section 205(1) of the Act, a notice was issued to the petitioner on 29.07.2015, calling upon him to submit his explanation. The petitioner has submitted his explanation on 28.08.2015. In terms of Section 205 (2) of the Act, if the explanation received by the District Collector is satisfactory, he may drop the proceedings. However, if the explanation received in the opinion of the Inspector is not satisfactory, he shall forward to the Tahsildar of the Taluk a copy of the notice referred to in Sub-section (1) and the explanation of the President if received within the specified date with a proposal for the removal of the President for ascertaining the views of the Panchayat.

5. The issue in the instant case is pending at the stage of Section 205(2) of the Act. The Tahsildar has issued a notice to the petitioner convening a meeting on 23.11.2015. The impugned notice refers to the proceedings of the District Collector dated 28.09.2015, which presumably is the opinion of the District Collector as to why he is not satisfied with the explanation offered by the petitioner to the notice issued under Section 205(1) dated 29.07.2015. Therefore, if the petitioner is not informed about the contents or the basis of the decision of the District Collector, it will prejudice him when he attends the meeting so convened by the Tahsildar. Therefore, to that extent, without furnishing the proceedings of the District Collector dated 28.09.2015, the meeting could not have been proceeded with. Further, the notice also does not specifically state that the meeting is convened for the purpose of removal of the President for ascertaining the views of the Village Panchayat. This is one more reason to interfere with the impugned proceedings.

6. Accordingly, the impugned proceedings is set aside and the Writ Petition is allowed and there shall be a direction to the second respondent to furnish a copy of the proceedings dated 28.09.2015 within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the second respondent is empowered to issue fresh proceedings to the Tahsildar to convene a meeting in accordance with the provisions of Section 205 of the Act. No costs. Consequently, connected miscellaneous petitions are closed.

ds

s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To:

1. The Secretary to Government
Government of TamilNadu
Municipal Administration and Water Supply Department
Vellore.

2. The District Collector
Vellore - 9.

3. The Tahsildar
Wallajah.

+ 1 cc to Govt.Pleader SR 8529

+ 1 cc to Mr.S.Kamadevan, Advocate SR 8555

kji(co)
prk23/2

W.P.No.37077 of 2015



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