

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 07-03-2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.2204 OF 2016

E.Komathi Elangovan

...Petitioner

-vs-

1.The Inspector of Panchayat-
cum-District Collector,
Krishnagiri District,
Krishnagiri.

2.The Block Development Officer
(Village Panchayats),
Kaveripattinam Panchayat Union,
Kaveripattinam, Krishnagiri District.

3.Mr.R.Selvam.

...Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of certiorari, to call for the records relating to the impugned order in Na.Ka.No.2769/2015/A3, dated 05.01.2016, passed by the first respondent taking away the cheque signing power of the President under Section 203 of the Tamil Nadu Panchayats Act,1994, quash the same as illegal and without jurisdiction.

For petitioner : Mr.R.Thamaraiselvan

For respondents 1&2 : Mr.R.M.Muthukumar,
Govt.Advocate.

For respondent 3 : Mr.A.K.Balaji

ORDER

Petitioner has challenged the impugned proceedings issued by the first respondent, on the ground that it is in violation of principles of natural justice.

2. Petitioner is the elected President of Payyur Village Panchayat, falling within the jurisdiction of Kaveripattinam Panchayat Union, and third respondent is the Vice-President. Petitioner would state that the third respondent is wilfully refusing to sign panchayat cheques as co-signatory and also to participate in the meetings. In this regard, resolutions have been passed by all the members of the Panchayat Board on 10.04.2015, 09.05.2015 and 10.06.2015 for

removal of third respondent from office and a representation has also been submitted to respondents 1 and 2, seeking for appropriate action against the third respondent. Petitioner also submitted another representation to the District Collector, stating that the Panchayat is facing crisis due to non-disbursement of salaries and non-implementation of welfare schemes. While so, it is stated that instead of taking appropriate action on the representations, impugned proceedings have been passed, taking away the cheque signing power of the petitioner. Petitioner challenged the impugned proceedings, on the ground that it is in violation of principles of natural justice and he has not been afforded an opportunity to put forth her reply/objections. The contention raised has been found to be correct.

3. In the light of the above, the petitioner is directed to treat the impugned proceedings as a show cause notice and submit her reply/objections to the same, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the reply, the first respondent shall consider the same, ascertain full facts and, if there are no other impediments, shall pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date on which the reply is received, so as to enable the Panchayat to function smoothly.

4. Writ Petition is disposed of accordingly. No costs. Consequently, the connected W.M.P.Nos.1894 and 1895 of 2016 are closed.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

dixit
To

- 1.The Inspector of Panchayat-cum-District Collector,
Krishnagiri District,
Krishnagiri.
- 2.The Block Development Officer (Village Panchayats),
Kaveripattinam Panchayat Union,
Kaveripattinam, Krishnagiri District.

+1cc to Mr.A.K. Balaji, Advocate, S.R.No.14892
+1cc to Mr.R Thamarai Selvan, Advocate, S.R.No.14538

SR(CO)
EU(28/03/2015)