

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No. 40626 of 2015
and
M.P. Nos. 1 and 2 of 2015

K.A. Kamaludeen

...Petitioner

Vs.

1. The District Collector
Office of the District Collector
Thiruvarur District
Thiruvarur - 610 001.

2. The Assistant Director
Assistant Director Office
District Collectorate Office
Thiruvarur District

3. The Block Development Officer
Needamangalam Taluk
Needamangalam
Thiruvarur District

...Respondents

This petition is 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 1st respondent relating to the order bearing No. Na. Ka. En 1082/2013/A2 U.E (00) dated 26.05.2015 and to quash the same and consequently direct the respondents to allow the petitioner to function as a President of Poothkudi Panchayat, Thiruvarur District.

For Petitioner : Mr. S. Rajanikanth
For Respondents : Mr. R. Rajeswaran
Spl. G.P. for R1 and 2
Mrs. M.E. Raniselvam for R3

O R D E R

Heard the learned counsel for the parties and perused the materials available on records.

2. The challenge in the Writ Petition is to the order dated 26.05.2015, in and by which, the financial administration of the Pothakkudi Panchayat Union, Needamangalam Taluk, Thiruvarur District, has been handed over to the Block Development Officer, Needamangalam Taluk. The only reason for passing the impugned order is that the petitioner has not complied with the directions issued by the Assistant Director, Thiruvarur in his proceedings dated 13.05.2015. In the said proceedings, the petitioner was called upon to convene a meeting, pass a resolution and select a member who will be an authorised signatory to the Panchayat and send the proposal on or before 20.05.2015. It is stated that the petitioner has complied with the directions and passed a resolution on 18.05.2015 and has sent the proposal by speed post on 20.05.2015 and it has been received by the office of the respondent on 21.05.2015.

3. Therefore, technically, there may be one day delay. But unfortunately, the petitioner has sent the same by speed post on 20.05.2015. Therefore, without considering the same, the impugned order should not have been passed. Since the impugned order has been passed on 26.05.2015, on that date the resolution was in the file of the respondent.

4. In the light of the above, the Writ Petition is allowed and the impugned proceedings dated 26.05.2015 is set aside and the matter is remanded back to the respondents to pass fresh orders, on due consideration. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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To

1. The District Collector
Office of the District Collector
Thiruvarur District
Thiruvarur - 610 001.

2. The Assistant Director
Assistant Director Office
District Collectorate Office
Thiruvarur District

3. The Block Development Officer
Needamangalam Taluk
Needamangalam
Thiruvarur District.

+1cc to M/s. M.E. Raniselvam, Advocate, S.R.No.7929

+1cc to the Government Pleader, S.R.No.7924

PPA(CO)
EU(17/02/2016)

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