

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 21.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.24375 of 2013

A.Rajendran

.. Petitioner

Versus

1. The District Collector (Inspector of Panchayats),
Tiruvannamalai District,
Tiruvannamalai.

2.M.Velmurugan
3.Kuppan
4.Sakunthala
5.Santhi
6.Samundeeswari
7.Sasivel
8.Venkatesan

R2 to 8 are impleaded as per
order dt.7.3.2016 by TSSJ in
MP.No.2 of 2013.

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the
Constitution of India, seeking for a Writ of Certiorari, to call
for the records pertaining to the order bearing
Na.Ka.No.5207/2012/A2, dated 19.11.2012 and quash the same.

For Petitioner : Mr.V.Suthakar

For Respondents : Mr.R.Rajeswaran
Special Government Pleader for R1

No appearance for R2 to R8

O R D E R

Heard Mr.V.Suthakar, learned counsel appearing for the
petitioner and Mr.R.Rajeswaran, learned Special Government
Pleader, accepting notice on behalf of the first respondent.
With the consent of the learned counsel on either side, the Writ
Petition is taken up for final disposal.

2. This Writ Petition has been filed praying for issuance of a Writ of Certiorari, to quash the proceedings of the first respondent dated 19.11.2012.

3. The petitioner is an elected president of Ayyampalayam Village Panchayat, Thiruvannamalai District. By the impugned Proceedings, the petitioner's cheque signing power as a core signatory to the Panchayat cheques along with the Vice President of the Cheque was divested and handed over to the Block Development Officer.

4. The petitioner has challenged the impugned order on the ground that it is in violation of the law laid down by this Court in the case of (Logeswari Vs. District Collector, Tiruchirapalli & 2 others) in W.P.No.(MD)139 of 2013. At the time, when the Writ Petition was entertained, the Court was satisfied that the petitioner had made out a prima-facie case and an order of interim stay was granted. By virtue of the impugned order, the petitioner had continued to sign the Panchayat cheques.

5. The first respondent has filed an elaborate counter affidavit pointing out various details as to why the impugned order was passed and it is stated that it is only as a temporary measure for avoiding further misappropriation of funds.

6. Admittedly, till date, no action has been initiated against the petitioner under Section 205 of the Tamil Nadu Panchayats Act, 1994 on the alleged ground that any misappropriation. Further, from the counter affidavit, it is seen that the impugned order was passed on 19.11.2012 as only as an interim measure. In the said circumstances, it has to be seen as to how the petitioner had functions, after he obtained interim order from this Court in this Writ Petition. It appears that the petitioner had functioned properly and effectively and to prove the same, a copy of the proceedings of the District Collector, dated 23.12.2013 has been produced. From which, it is seen that the petitioner has been granted power to sign cheques and other co-signatory is the Block Development Officer. Thus, by virtue of the order dated 23.12.2013, the impugned order dated 19.11.2012 is deemed to have been superseded, since as of now the petitioner has been entrusted with the cheque signing power in an individual capacity and the co-signatory is the Block Development Officer. Hence, on this technical ground, this Court is inclined to interfere with the impugned order.

7. Accordingly, the Writ Petition is allowed and the impugned order is quashed. It has to be pointed out that this Court has not exonerated the petitioner on the allegations made in the impugned order and has quashed the impugned proceedings only on the aforementioned technical ground and it is open to

the District Collector to proceed in accordance with law, if a need arises. No costs.

r n s

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

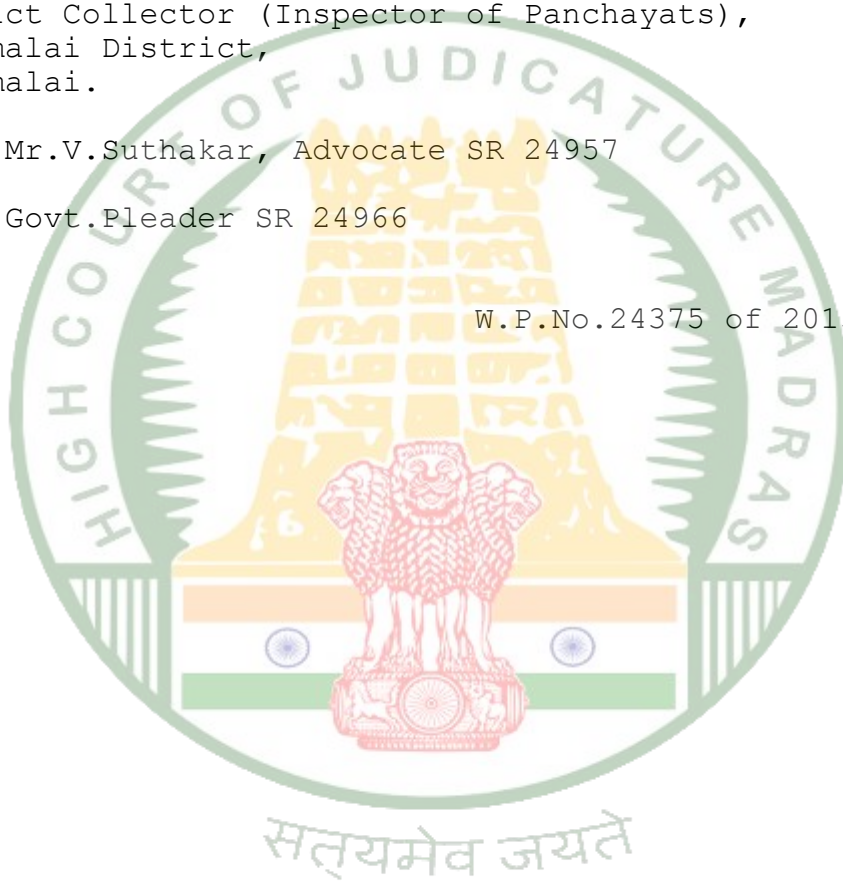
The District Collector (Inspector of Panchayats),
Tiruvannamalai District,
Tiruvannamalai.

+ 1 cc to Mr.V.Suthakar, Advocate SR 24957

+ 1 cc to Govt.Pleader SR 24966

ks(co)
prk5/5

W.P.No.24375 of 2013



WEB COPY

21.04.2016