

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.17457 of 2013

and

M.P.No.1 of 2013

S.Selvi

.. Petitioner

vs.

1.The District Collector cum
the Inspector of Panchayats,
Villupuram District.

2.The Tahsildar,
Ulundurpet Taluk,
Villupuram District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the order of the first respondent, the District Collector, Villupuram District, dated 26.4.2013 and published in the Tamilnadu Government Gazette Extraordinary No.140 dated 28.5.2013 and quash the same.

For petitioner : Mr.K.Sakthivel

For respondents : Mr.S.Navaneetham,
Additional Government Pleader

ORDER

This Writ Petition has been filed by the petitioner for the relief stated above.

2. The petitioner was elected as President of the A.Sathanur Panchayat, Ulundurpet Taluk, Villupuram District in the Local Body Election held on 21.10.2011. During the inspection of the said Panchayat, on 25.7.2012, by the Assistant Director (Panchayats), Villupuram, he found out some irregularities and misappropriation of Panchayat Fund which was allocated for the welfare of people. Hence, a show cause notice was issued u/s. 205 of the Tamilnadu Panchayats Act 1994 and called for the explanation of the petitioner. As the explanations of the petitioner were not acceptable and found that a huge public

amount of Rs.10,25,465/- was misappropriated, the petitioner was removed from the post following the procedures laid down under Section 205 of the Tamilnadu Panchayats Act, 1994 vide the Proceedings of District Collector/Inspector of Panchayats in ROC No.A3/2284/2012 dated 26.4.2013 and subsequently, the removal of the President was published in the Government Gazette No.140 dated 28.5.2013. Therefore, the petitioner has filed this Writ Petition challenging the orders of the first respondent.

3. When the matter is taken up for hearing today, it is submitted by the learned Additional Government Pleader that the tenure of the post of the President was expired and therefore, nothing survives in the Writ Petition. It is further submitted by the learned Additional Government Pleader that if the petitioner is aggrieved by the order passed by the first respondent, the petitioner can file a review before the Government under Section 205 (12) of the Tamilnadu Panchayats Act, 1994. As there is an efficacious alternative remedy available to the petitioner, the Writ Petition is not maintainable.

4. Considering the facts and the submission made by the learned Additional Government Pleader contending that the tenure of the President has already been expired, and as the petitioner has an alternative remedy of filing a review before the Government, this Court is not inclined to entertain the Writ Petition. As such, the Writ Petition is dismissed. It is open to the petitioner to file a review as provided under the provisions of the Act, if he is so advised. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

asvm

To

1.The District Collector cum
the Inspector of Panchayats,
Villupuram District.

2.The Tahsildar,
Ulundurpet Taluk,
Villupuram District.

+1cc to Mr.K.Sakthivel, Advocate sr.76082

+1cc to Government Pleader, High Court Madras sr.76286

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pk(co)

ss(9/2/2017)