

In the High Court of Judicature at Madras

Dated :: 22.04.2016

Coram ::

The Hon'ble Mr. Justice T.S. Sivagnanam

Writ Petition No: 4891 of 2016

K. Gangadharan
S/o. Kannan
Vice President
Padiambakkam Village Panchayat
Wallajah Panchayat Union
Wallajah Taluk
Vellore District. ... Petitioner

-vs-

1. The Inspector of Panchayats
and District Collector
Vellore District.
2. The Block Development Officer
(Village Panchayat)
Wallajah Panchayat Union
Wallajah, Vellore District.
3. The President
Padiambakkam Village Panchayat
Wallajah Panchayat Union
Wallajah Taluk
Vellore District.
4. Thiru. M. Kanniappan
Ward Member
2nd Ward, Padiambakkam Village Panchayat
Wallajah Panchayat Union
Vellore District. ... Respondents

Writ Petition under Article 226 of the Constitution of India
praying for issuance of a writ of certiorari calling for the
records pertaining to the orders passed by the first respondent
in Na. Ka. A4/3326/2-15 dated 12.01.2016 and quash the same.

For petitioner :: M/s. S. Kamadevan

For resps. 1 & 2 :: Mr. R. Rajeswaran
Special Government Pleader

For resps. 3 & 4 :: Mr. J. Lakshmi Narayanan

.. .. .

O R D E R

Heard Mr. S. Kamadevan the learned counsel appearing for the petitioner; Mr.R. Rajeswaran, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr. J. Lakshmi Narayanan learned counsel appearing for the respondents 3 and 4.

2. The petitioner is the Vice President of the Padiambakkam Village Panchayat and he has challenged the order passed by the District Collector on 12.01.2016 in and by which the petitione's cheque signing power as a co-signatory to the Panchayat cheques was divested and handed over to the 4th respondent who is a elected ward member of the said Village Panchayat.

3. At the time when the writ petition was heard for admission, the Court, taking into consideration the submissions of the counsel for the petitioner that the petitioner had lodged a complaint against the President of the Village Panchayat to the District Collector alleging manipulation of figures in the cheques and instead of taking action on the said complaint, petitioner's cheque signing power has been taken away, granted an order of interim stay.

4. The learned counsel appearing for the President of the Village Panchayat the third respondent, on the other hand submits that the petitioner has been refusing to co-operate in the administration of the Panchayat, refusing to sign the cheques as a result of which the entire welfare measures of the Village Panchayat has come to a standstill. It is further submitted that the petitioner has developed enemical attitude towards the third respondent on account of political rivalry.

5. Though elaborate submissions were made by either side, the only aspect that is required to be examined is the validity of the impugned order based on the reasons assigned thereunder. The reason for passing the impugned order is that the petitioner has not co-operated with the President of the Village Panchayat in signing the Panchayat cheques. Further, the petitioner would state that he has certain valid reasons as to why he had not signed the cheques and that has to be enquired into. It appears that an enquiry was conducted in that regard based on the complaint given by the petitioner and it was found that there is

no truth in the allegation made by the petitioner.

6. Be that as it may, after an interim order was granted on 09.02.2016, the petitioner is signing the cheques and his power has been restored by the proceedings dated 24.02.2016. Prior to the grant of interim order, 7 bank accounts of the Panchayat were not permitted to be operated by the Block Development Officer by passing an order on 02.02.2016. Now that the District Collector has passed an order 24.02.2016, this Court is of the view that such status quo should continue bearing in mind the welfare of the Panchayat. However, the manner in which the petitioner is discharging his function as a Vice President should be monitored by the District Collector and periodical report should be called for and if there is any delinquency then the District Collector may proceed in accordance with law.

7. In the light of the above, the impugned order is set aside. The writ petition is allowed and the petitioner is permitted to sign the Panchayat cheques as a joint signatory. Learned counsel appearing for the third respondent submitted that the averments made in the affidavit filed in support of the writ petition are false and taking advantage of such averments and interim order granted by this Court, the petitioner has started a slander campaign against the third respondent. It is made clear that this Court has passed the above order in the writ petition bearing in mind the interest of the Village Panchayat and therefore, whatever allegations made in the affidavit filed in support of the writ petition could have no bearing on any proceedings that may be initiated by the District Collector and any observations made while granting the interim order is only an observation to point out a prima facie case and that cannot be taken advantage of. Connected miscellaneous petitions are closed. There shall be no orders as to the costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Panchayats
and District Collector
Vellore District.

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2. The Block Development Officer
(Village Panchayat)
Wallajah Panchayat Union
Wallajah, Vellore District.

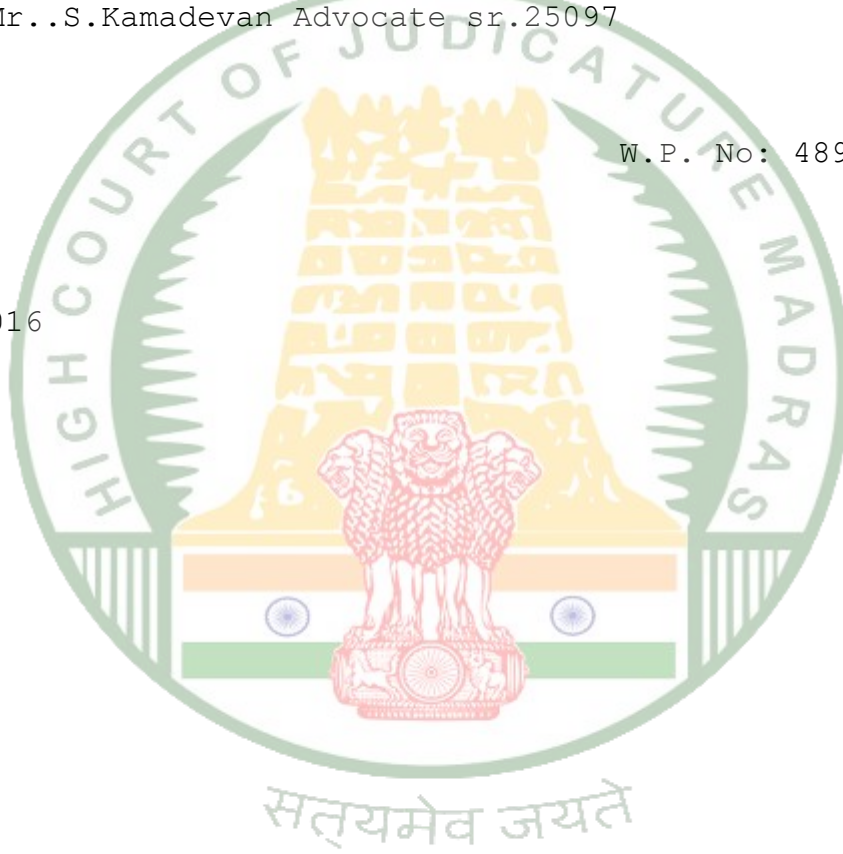
3. The President
Padiambakkam Village Panchayat
Wallajah Panchayat Union
Wallajah Taluk
Vellore District.

+1 cc to Mr.J.Lakshmi Narayanan Advocate sr.25271

+1 cc to Mr..S.Kamadevan Advocate sr.25097

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