

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 15.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.9257 of 2016

M.Sundari

... Petitioner

Versus

The Inspector of Panchayats / District Collector,
Perambalur,
Perambalur District.

... Respondent

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, to direct the respondent to pass final orders in the proceedings initiated against the petitioner under Section 205(1)(a) of the Tamil Nadu Panchayats Act, 1994 pursuant to the Show Cause Notice issued by the respondent in Na.Ka.No.A3/1162/2014, dated 12.08.2015 within a time limit to be fixed by this Court.

For Petitioner : Mr.P.Rajendran

For Respondents : Mr.R.Rajeswaran
Special Government Pleader

O R D E R

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

2. The petitioner, who is a President of Village Panchayat was issued with a show cause notice under Section 205(1)(a) of the Tamil Nadu Panchayats Act, 1994. In the said show cause notice, there were certain allegations made against the petitioner and the petitioner was granted time to submit his explanation. Accordingly, the petitioner submitted his explanation on 23.09.2015. Thereafter, a second show cause notice was issued on 07.01.2016, in which further allegations were made against the petitioner and he was given opportunity to submit his explanation. The petitioner, on 18.01.2016, has submitted his explanation.

3. The grievance of the petitioner is that till date no final order has been passed by the respondent and the matter is kept indefinitely pending and this may have an adverse effect on him, since the elections are to be announced during the end of this year. Therefore, the petitioner has come forward with this Writ Petition to direct the respondent to pass final orders in the proceedings initiated against him, pursuant to the show cause notices dated 12.08.2015, 07.01.2016 and the respondent may be directed to do the same within a time limit.

4. Heard the learned Additional Government Pleader on the aforesaid submissions made by the learned counsel for the petitioner.

5. It is not known as to why the respondent has not passed final orders till date, though the petitioner states that his explanations dated 23.09.2015 and 18.01.2016 have been submitted well within the time stipulated. In any event, the petitioner seeks for an innocuous direction to pass final orders within a time frame. If in the opinion of the District Collector there are certain delinquencies committed by the petitioner in the capacity of President of Village Panchayat based on which show cause notices have been issued, the District Collector should consider the explanation and if in his opinion the explanation is satisfactory, he may drop the proceedings or if he is not satisfied with the explanation, then, he has to proceed in accordance with law and take the proceedings to its logical end. The District Collector has to definitely comply with any one of the above two options.

6. In the light of the above, there will be a direction to the respondent to conclude the proceedings in one way or other, within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the contentions raised by the petitioner and he shall co-operate with the respondent for concluding the proceedings initiated against him.

With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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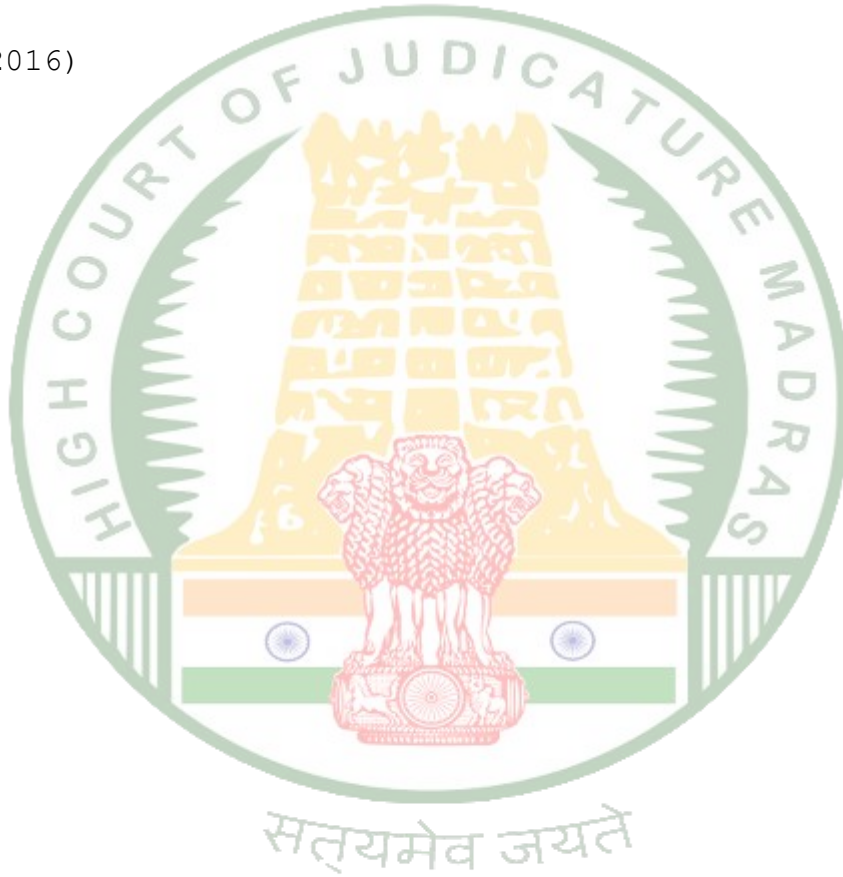
To

The Inspector of Panchayats/District Collector,
Perambalur,
Perambalur District.

+1cc to Mr.P.Rajendran, Advocate, S.R.No.16734

W.P.No.9257 of 2016

SKV (CO)
CA (23/03/2016)



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