



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2016

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition (MD) No.10790 of 2016
and
W.M.P (MD) Nos.8379 and 8380 of 2016

P.Kumaresan

... Petitioner

Vs.

1.The District Collector,
Collectorate Compound,
Tirunelveli District.

2.The Revenue Divisional Officer,
Tirunelveli.

3.The Block Development Officer,
Palayamkottai, Tirunelveli District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned show cause notice issued by the first respondent in No.A 6/1814/2016 dated 27.5.2016 which was served on 9.6.2016 only and quash the same and consequently direct the respondents herein to continue the petitioner to discharge his duties as President of the Seevalaperi Panchayat.

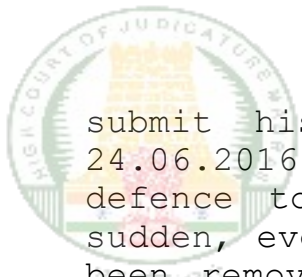
For Petitioner : Mr.R.Anand for
Mr.V.Maharajan

For Respondents : Mr.R.Anandraj,
Government Advocate.

ORDER

Mr.P.Kumaresan, who has been elected as Village President of Seevalaperi Village Panchayat, has come to this Court challenging the show cause notice issued by the District Collector, Tirunelveli District, in A6/1814/2016, dated 27.05.2016 which was served on 09.06.2006, calling upon him to submit his explanation within 15 days from the date of receipt of the said notice.

<https://hcservices.ecourts.gov.in/hcservices/> 2. The short issue raised in this writ petition is that when the petitioner was issued with a show cause notice dated 27.05.2016 which was served on 09.06.2016 calling upon him to



submit his explanation within 15 days time which expires on 24.06.2016, the petitioner has been seriously preparing a strong defence to be submitted on or before 24.06.2016, but all of a sudden, even before the expiry of the time limit of 15 days, he has been removed from the post of village presidency without enquiry violating the principles of natural justice behind the back of the petitioner and this has been published in the daily newspaper on 16.06.2016 in Dinamalar. Although the order of removal has not been issued to the petitioner that has reflected in the Dinamalar dated 16.06.2016, the petitioner is entitled to seek remedy before this Court against the order of removal which has been passed before the outer time limit fixed by the first respondent.

3. Readily, Mr. R. Anandaraj, learned Government Advocate appearing for the respondents dismissing the apprehension made by the petitioner that he was removed from his office, stated that no order of dismissal has been passed till now officially as alleged, still the petitioner has got sufficient time to give explanation as per the impugned show cause notice, dated 27.05.2016.

4. The said statement is recorded. When the petitioner has not been removed as alleged by the petitioner, he can continue in office. However, it is open to the petitioner to submit his explanation within the time limit stipulated in the impugned show cause notice, dated 27.05.2016.

5. With the above observation, the writ petition is disposed of. No costs. Consequently, W.M.P (MD) Nos. 8379 and 8380 of 2016 are closed.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

1. The District Collector,
Collectorate Compound, Tirunelveli District.
2. The Revenue Divisional Officer, Tirunelveli.
3. The Block Development Officer,
Palayamkottai, Tirunelveli District.

+1cc to Mr. V. Maharajan, Advocate in SR.No. 31474

sms

JAM/21.06.16/AAL-MPA/SAR I/ 2P-5C

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