

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 21.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE **K.RAVICHANDRABAABU****W.P. (MD) No.1263 of 2016****and****WMP (MD) No.1033 of 2016**

S.Swaminathan

... Petitioner

Vs.

1.The District Collector,
Thanjavur.2.The Assistant Director of Town Panchayat,
Collectorate, Thanjavur.3.The Executive Officer,
Thirunageshwaram Town Panchayat,
Thirunageshwaram,
Kumbakonam Taluk,
Thanjavur District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorari to call for the records relating to the impugned show cause proceedings in Na.Ka.No.2850/201 Peru.3 dated 07.01.2016 of the first respondent and quash the same as illegal without jurisdiction.

For Petitioner :Mr.AN.Ramanathan

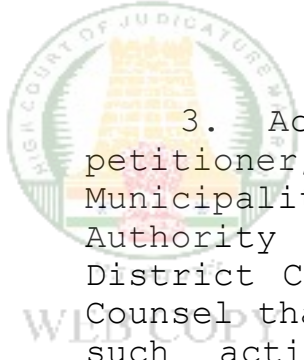
For Respondents : Mr.M.Murugan

Government Advocate

ORDER

Mr.M.Murugan, learned Government Advocate takes notice for the respondents.

2. This Writ Petition is filed challenging the show cause notice issued by the first respondent calling the petitioner to give explanation within seven days as to why he failed to conduct panchayat council meeting periodically and also further directing the petitioner to conduct the meeting within fifteen days and submit a report accordingly. The petitioner challenged the said show cause notice on the ground that the same is issued without jurisdiction.



3. According to the learned Counsel appearing for the petitioner, as per Section 39 of the Tamil Nadu District Municipalities Act 1920, the State Government is the competent Authority to take action, if there is any default and not the District Collector. It is the further contention of the learned Counsel that the Municipal Commissioner alone is empowered to take such action under Section 39 of the Tamil Nadu District Municipalities Act 1920, whereas the District Collector has issued the same.

4. I find no force in the above said submissions, in view of the provision made under Section 34 of the Tamil Nadu District Municipalities Act 1920, where the power of the State Government and the District Collector for the purposes of control of panchayats has been stipulated. Under Section 34(2)(c) of the Tamil Nadu District Municipalities Act 1920, the District Collector is entitled to require any Council or Executive Authority to furnish any information or report on any municipal matter. When that being the power conferred on the District Collector, I do not find any force in the contention raised by the petitioner that the impugned show cause notice is issued without jurisdiction. Therefore, this Writ Petition is not maintainable challenging the show cause notice issued by the District Collector. Accordingly, the Writ Petition fails and the same is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

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To

1.The District Collector, Thanjavur.

2.The Assistant Director of Town Panchayat,
Collectorate, Thanjavur.

3.The Executive Officer, Thirunageshwaram Town Panchayat,
Thirunageshwaram, Kumbakonam Taluk, Thanjavur District.

+one cc to Mr.A.N.Ramanathan, Advocate in SR.No.3553

+one cc to The Special Government Pleader in SR.No. 3799

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and WMP (MD) No.1033 of 2016
21.01.2016