

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2017

CORAM :

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.1439 of 2010

and M.P.No.2 of 2010

Revathy

...Petitioner

vs.

1. The District Collector-cum-
Inspector of Panchayats,
Krishnagiri District,
Krishnagiri.
2. The Asst. Director (Panchayats)
Krishnagiri District,
Krishnagiri.
3. The Block Development Officer
Uthangarai Taluk,
Krishnagiri District.
4. The Tahsildar
Uthangarai Taluk,
Krishnagiri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari, calling for the records relating to the notice, dated 26.09.2008 in Na.Ka.No.2589/2008/A3 and the notice, dated 14.12.2009 in Na.Ka.No.2589/2008/A3 of the first respondent herein and quash the same.

For petitioner : Ms.AL.Ganthimathi

For respondents : Mr.S.Gunasekaran, AGP
for R1, 2 and 4

No Appearance for R3

O R D E R

Ms.AL.Ganthimathi, learned counsel is appearing on behalf of the writ petitioner. Mr.S.Gunasekaran, learned Additional Government Pleader is appearing on behalf of the respondents 1, 2 and 4.

2. By consent of both the learned counsel, the main writ petition itself is taken up.

3. The writ petitioner was elected as President of Karumandapathy Village in Uthangarai Union within Krishnagiri District during the local body elections held during March 2006.

4. The writ petition is directed against a show cause notice, dated 14.12.2009 issued by the first respondent. The show cause notice has been issued under Section 205 of the Tamil Nadu Panchayats Act, 1994. It is based on five charges that have been framed against the writ petitioner.

5. Several grounds have been raised about the validity of the show cause notice. It is contended by the learned counsel for the petitioner that the show cause notice is illegal and liable to be set aside on more than one ground. It is further contended that the first respondent has got no jurisdiction and he has prejudged the issue.

6. Learned Additional Government Pleader would resist such submissions and say that the show cause notice is valid. However, it may not be necessary to go into this issue now, in the light of the fact that it is admitted that the writ petitioner has completed his term and served his entire term as Panchayat President from 2006 to 2011. In other words, in the year 2011, he has completed his period. Therefore, I refrain from expressing any opinion one way or other about the contentions and counter contentions in this writ petition. However, it is made clear that all questions are left open, as the impugned show cause notice is predicated on charges that were framed way back in 26.09.2008.

7. In the instant case, as the impugned show cause notice has been issued under Section 205 of the Panchayats Act, 1994, even if the show cause notice is carried to its logical end, all that can happen is that the writ petitioner can be removed from the office. Therefore, as stated supra, I refrain from expressing any opinion one way or other. Without going into that, as stated supra, the writ petition has become infructuous. However, it is necessary to pass this order to make it clear that all questions, contentions and counter contentions are left open.

8. With the above observation, this writ petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is also dismissed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

tsvn

To

1. The District Collector-cum-
Inspector of Panchayats,
Krishnagiri District,
Krishnagiri.
2. The Asst. Director (Panchayats)
Krishnagiri District,
Krishnagiri.
3. The Block Development Officer
Uthangarai Taluk,
Krishnagiri District.
4. The Tahsildar
Uthangarai Taluk,
Krishnagiri District.

+1 CC to Ms.AL.Ganthimathi, Advocate Sr.No.12246

+1 CC to Government Pleader, High Court, Chennai Sr.No.12670

WEB COPY

W.P.No.1439 of 2010

KJ(CO)
KP(14.03.2017)