

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.29958 of 2016

and

W.M.P.Nos.25910 to 25912 of 2016

A.Balan

...Petitioner

Vs.

1. The State Rep. By its
Secretary to Government,
Rural Development and Panchayat Raj
Department, Fort St.George,
Chennai - 600 009.
2. The Commissioner of Rural Development,
Panagal Building, Saidapet, Chennai.
3. The Inspector of Panchayats cum
The District Collector,
Namakkal District.
4. The Block Development Officer
(Village Panchayats)
Vennathur Block,
Namakkal District,
Namakkal.
5. The Tahsildar,
Rasipuram Taluk,
Namakkal District.

...Respondents

Writ petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order issued in No.Na.Ka.No.3578/2013/PU3 dated 01.07.2016 on the file of the 3rd respondent / District Collector along with sum and substance which was published in the Gazette Notification No.9 dated 14.07.2016 published in Namakkal District Gazette and quash the same and issue consequential direction to the respondents to the same as illegal and arbitrary and consequently ordering the petitioner to continue to function as President of the Komarapalayam Village Panchayat, Namakkal District.

For Petitioner : Mr.Nazarullah for
M/s.K.Shahul Hameed

For Respondents : Mr.S.Diwakar,
Spl. Govt. Pleader
for R1 to R3 and R5
Mr.K.Thangapandi for R4

ORDER

Challenging the order passed under Section 205 of the Tamil Nadu Panchayats Act, 1994 dated 01.07.2016 by the third respondent, the present writ petition has been filed.

2.Heard the learned counsel appearing for the petitioner, learned Special Government Pleader appearing for respondents 1 to 3 and 5 and the learned counsel appearing for the fourth respondent.

3.As rightly submitted by the learned Special Government Pleader appearing for respondents 1 to 3 and 5, the order impugned is appealable in nature. When the remedy of statutory appeal is available, this Court is not inclined to exercise its discretionary jurisdiction under Article 226 of the Constitution of India.

4.In such view of the matter, the writ petition stands dismissed, giving liberty to the petitioner to file statutory appeal within a period of eight weeks from the date of receipt of a copy of this order. As and when such an appeal is filed, the Appellate Authority shall decide it on its own merits and in accordance with law, without rejecting it on the ground of limitation. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

mmi

To

1. The Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St.George,
Chennai - 600 009.

2. The Commissioner of Rural Development,
Panagal Building, Saidapet, Chennai.

3. The Inspector of Panchayats cum
The District Collector,
Namakkal District.

4. The Block Development Officer
(Village Panchayats)
Vennathur Block,
Namakkal District,
Namakkal.

5. The Tahsildar,
Rasipuram Taluk,
Namakkal District.

+ 1 cc to Mr.K. Thangapandi, Advocate SR.22259

+ 1 cc to Government Pleader Sr.22727

W.P.No.29958 of 2016

VGI (CO)
Eu 4.5.17



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