

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

DATED: 03.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WEB COPY

W.P (MD) No.18835 of 2015
and
M.P (MD) Nos.1 & 2 of 2015

P.Mahamuni,
President,
Balarajapuram Panchayat,
Karur District.

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary,
Department of Panchayat Raj,
Fort. St. George,
Chennai.

2. The District Collector,
Karur District,
Karur

3. The Block Development Officer, (Village Panchayat)
Krishnapuram Union
Karur District.

4. The Tahsildar,
Krishnapuram Taluk,
Karur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records relating to the impugned proceedings of the 2nd respondent in Na.Ka.No.A2/2660/2013 dated 22.07.2013, Na.Ka.A2/2660/2013 dated 28.04.2015 and the Gazette notification in No.VI(2)/78(a) 2015 published in the Tamil Nadu Government Gazette on 30.04.2015 and the consequential order made by the 2nd respondent in Na.Ka.A2.2660/2013 dated 30.04.2015 and quash the same as illegal.

For Petitioner : Mr.M.Mahaboob Athiff,
For M/s.Ajmal Associates

For R.1, R.2 & R.4: Mr.S.Kumar,
Additional Government Pleader

For R.3 : Mr.K.Mahesh Raja

**O R D E R**

This writ petition has been filed, seeking to call for the records of impugned proceedings of the 2nd respondent in Na.Ka.No.A2/2660/2013 dated 22.07.2013, Na.Ka.A2/2660/2013 dated 28.04.2015 and the Gazette notification in No.VI(2)/78(a) 2015 published in the Tamil Nadu Government Gazette on 30.04.2015 and the consequential order made by the 2nd respondent in Na.Ka.A2.2660/2013 dated 30.04.2015 and quash the same as illegal.

2. Heard the learned Counsel on either side.

3. It is the case of the petitioner that the petitioner was elected as a President of Balarajapuram Village in Krishnarayapuram Panchayat Union and during inspection, it was found that there was some financial irregularities. Therefore, a show cause notice was issued to the petitioner to offer his explanation within 15 days. The petitioner submitted an explanation, which was not accepted by the second respondent, resulting in removal of the petitioner from the post of President with liberty to the petitioner to file an appeal before the Government within 60 days and the same was also published in the gazette publication. Aggrieved by the action of the respondent, the petitioner is before this Court seeking to quash the same.

4. The learned Additional Government Pleader appearing for the respondents 1, 2 and 4 has submitted that the petitioner, without exhausting the appeal remedy has straight away approached this Court and therefore, this writ petition is not maintainable.

5. Learned counsel for the petitioner has submitted that in this writ petition though the petitioner has sought for a larger relief, he now wants to approach the concerned appellate authority by way of appeal, to challenge the order impugned herein.

6. In view of the above submission, this writ petition is disposed of, permitting the petitioner to file an appeal before the appellate authority within a period of two weeks from the date of receipt of a copy of this order and if any such appeal being filed, the same shall be entertained without raising any objection with regard to limitation and proceed in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

sd/-

Assistant Registrar(CS-I)

/True Copy/



To:

1. The Secretary,
Department of Panchayat Raj,
Fort. St. George,
Chennai.
2. The District Collector,
Karur District,
Karur.
3. The Block Development Officer, (Village Panchayat)
Krishnapuram Union
Karur District.
4. The Tahsildar,
Krishnapuram Taluk,
Karur District.

+1cc to Special Government Pleader, SR.No.70875.

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SDS/JC/SAR 2/17.08.2017/3P/6C