



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD) No.18915 of 2015 andM.P.(MD) No.2 of 2015

WEB COPY

M.Ajmun Khan

... Petitioner

-vs-

1. The District Collector / Inspector of Panchayat,
Pudukkottai District,
Pudukkottai.
2. The Assistant Director of Panchayat,
Pudukkottai District,
Pudukkottai.
3. The Block Development Officer,
Kunrandar Kovil Union,
Kulathur Taluk,
Pudukkottai District.

4. Mrs.Nagalakshmi

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the 1st respondent dated 31.08.2015 in Na.Ka. 1240/2012/A3 (oou) and Quash the same and consequently direct the 1st respondent to pass an order by terminating the 4th respondent as President of Andakkulam Village Panchayat in Pudukottai District as contemplated Section 205 of the Tamil Nadu Panchayat Act.

For Petitioner	: Mr.V.Sasikumar
For R1 & R2	: Mr.J.Gunaseelan Muthiah Govt. Advocate
For R3	: Mr.M.Rajarajan
For R4	: No Appearance

O R D E R

This writ petition has been filed, seeking to quash the impugned order of the 1st respondent dated 31.08.2015 made in Na.Ka. 1240/2012/A3 (oou), by which, the 4th respondent was exonerated from all the charges. The petitioner also sought a direction to the 1st respondent to pass an order by terminating the 4th respondent as President of Andakkulam Village Panchayat in Pudukottai District as contemplated Section 205 of the Tamil Nadu Panchayat Act.



2. Heard the learned counsel for the parties.

3. When the matter is taken up for hearing, learned Government Advocate appearing for R1 & R2 and the learned Standing counsel for R3 would submit that the order passed by the 1st respondent is a quasi judicial order, against which, there lies an appeal remedy under Section 205(12) of the Tamil Nadu Panchayats Act, 1994 before the Government and the petitioner, without exhausting the said remedy has straightaway approached this Court and therefore, this petition is not maintainable before this Court.

4. In view of the above submissions, this writ petition is disposed of, permitting the petitioner to file an appeal before the Government 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, considered on merits and in accordance with law and orders be passed thereon within a period of four weeks thereafter, after affording an opportunity of hearing to the petitioner as well as to the fourth respondent. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector / Inspector of Panchayat,
Pudukkottai District,
Pudukkottai.
2. The Assistant Director of Panchayat,
Pudukkottai District,
Pudukkottai.
3. The Block Development Officer,
Kunrandar Kovil Union,
Kulathur Taluk,
Pudukkottai District.

+1cc to M/S.A.Mohan, Advocate SR.No. 77080

+1cc to Special Government Pleader, SR.No. 76853

W.P(MD)No.18915 of 2015

05.09.2017