



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.18993 of 2015

and

M.P (MD) No.1 of 2015

WEB COPY

M.Subramanian,
S/o.Madasamy Nadar,
Kulasekarapatti Village Panchayat,
Keelapavoor Panchayat Union,
Tirunelveli District.

... Petitioner

-vs-

1.The District Collector/Inspector of Panchayat,
Tirunelveli District,

2.The Tahsildar,
Thenkasi Taluk,
Tirunelveli 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 of impugned order passed by the 1st respondent dated 05.01.2015 bearing Aha6/2493/2013 and consequential publication in the official Gazette dated 18.02.2015 and quash the same.

For Petitioner : Mr.N.Ranjith

For Respondents : Mr.S.Kumar,
Additional Government Pleader

O R D E R

This writ petition has been filed, seeking to call for the records of impugned order in Aha6/2493/2013 dated 05.01.2015 passed by the 1st respondent dated 05.01.2015 bearing Aha6/2493/2013 and consequential publication in the official Gazette dated 18.02.2015 and quash the same.

2. Heard the learned Counsel on either side.

3. It is the case of the petitioner that he had been elected as Vice President of Kulasekarapatti Village Panchayat in Kilapavoor Panchayat Union. The grievance of the petitioner is that the Vice President of said Panchayat had committed a lot of irregularities, which was brought to the notice of the authority concerned by the petitioner and therefore, the President



instigated one Murugan to file a writ petition in W.P(MD) No.6154 of 2014 for a direction for vote of confidence, in which, this Court directed the 2nd respondent to consider the notice after giving sufficient opportunity to the petitioner. Based on the direction the 2nd respondent had issued a notice dated 7.10.2014, for which the petitioner also submitted his explanation and on receipt of his reply the 2nd respondent had sent another notice for Motion of No Confidence under Section 211 of the Tamil Nadu Panchayats Act 1994. In the mean while, On 5.1.2015 the 1st respondent had passed the impugned order, removing the petitioner from the post. Aggrieved over the same, the petitioner is before this Court seeking to quash the same.

4. The learned Additional Government Pleader appearing for the respondents 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 petition is closed.

Sd/-

Assistant Registrar(RTI)

/ True Copy /

Sub Assistant Registrar(C.S.)

To:

1.The District Collector/Inspector of Panchayat,
Tirunelveli District,

2.The Tahsildar,
Thenkasi Taluk,
Tirunelveli District.

rm/ar

MAS/MR-KKR/SAR1:09.08.2017:2P-3C