



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2019

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.12123 of 2011
and W.M.P.Nos.1 & 2 of 2011

S.Sathyaseelan

...Petitioner

Vs.

1.The District collector,
Nagapattinam,
Nagapattinam District.

2.Block Development Officer,
(Panchayats Union)
Kollidam, Sirkali Taluk,
Nagapattinam District.

3.Sivabalan

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1st respondent to consider petitioner's explanation dated 11.04.2011 by giving him an opportunity before passing any order in view of the impugned show cause notice dated 23.02.2011 in Na.Ka.No.2514/A3, Vo e(Voo)/10 issued by the 1st respondent.

For Petitioner	:	M/s.Dalit Tiger C.Ponnusamy
For Respondents	:	M/s.K.Bhuvaneswari
		Additional Government Pleader,
		For RR1 & 2
		Mr.G.Sankaran, For R3

ORDER

This writ petition has been filed seeking for issuance of Writ of Mandamus, directing the 1st respondent to consider the petitioner's explanation dated 11.04.2011 by giving him an opportunity before passing any order in view of the impugned show cause notice dated 23.02.2011 in Na.Ka.No.2514/A3, Vo e(Voo)/10 issued by the 1st respondent.

2.The petitioner is the President of Mahendrapalli Panchayat, Mahendrapalli Village, Sirkali Taluk, Nagapattinam District and one R.Sivabalan, the 3rd respondent herein is the vice president. Due to some misunderstanding between the petitioner and the 3rd respondent in the day-to-day work of the petitioner's office, a writ petition came to be filed before



this Court in W.P.No.28633 of 2010, praying to take action as against the petitioner. Pending writ petition, the 1st respondent issued a show cause notice to the petitioner in calling upon explanation and the petitioner submitted his explanation on 30.09.2010. In the meantime, this Court passed an order dated 19.01.2011 in W.P.No.28633 of 2010 filed by the 3rd respondent, directing the respondents to consider the petitioner's representation therein and take appropriate action. Thereafter, the 1st respondent again issued show cause notice in Na.Ka.No.2514/A3, Vo e(Voo)/10 dated 23.02.2011 calling for an explanation. Challenging the said show cause notice, the petitioner has filed the present petition.

3.Heard both sides.

4.It is seen from records that the 1st respondent has issued a show cause notice under Section 205 of the Tamilnadu Panchayat Act, calling for an explanation as to why he should not be removed from the post of President of Mahendrapalli Panchayat. Admittedly, the show cause notice cannot be challenged unless the show cause notice is issued by an incompetent person. In the present case, the show cause notice is issued by Inspector of Panchayat i.e. The District Collector, as against the President of the Mahendrapalli Panchayat. Hence, this Court is not inclined to entertain this petition. Accordingly, this writ petition stands dismissed. However, the petitioner is at liberty to workout his remedy before the competent Court in the manner known to law. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The District collector,
Nagapattinam, Nagapattinam District.
2. The Block Development Officer, (Panchayats Union)
Kollidam, Sirkali Taluk, Nagapattinam District.

+1 cc to M/s.Dalit Tiger C.Ponnusamy,Advocate Sr.No. 67945

+1 cc to The Government Pleader SR.No.68472

AKM/20.09.19/2P-5C /

W.P. No.12123 of 2011
and W.M.P.Nos.1 & 2 of 2011