

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 27.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29237 of 2011
and MP.No.2 of 2011

V.Shanmugasundaram

.. Petitioner

Vs.

1. The District Collector /
Inspector of Panchayath,
Coimbatore District,
Coimbatore.
2. The Block Development Officer (Village Panchyath),
Pollachi South Block,
Pollachi Coimbatore District.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, for a Writ of Certiorari, calling for the records relating to the proceedings of the 1st respondent made in Na.Ka.No.3065/2011/A3 dated 08.12.2011, and quash the same.

For Petitioner : Mr.V.Ravi

For Respondents : Mrs.K.Bhuvaneswari,
(for R1 & R2)
Addl.Govt.Pleader

ORDER

The petitioner is an elected President of Thalavaipalayam Panchayath, Pollachi Taluk and he have been elected as the President in local body election held on 17.10.2011. While he was functioning as the President, the right of cheque signing was taken away, on the ground that the petitioner was not co-operating with the Vice-President for signing the cheques. Accordingly, the respondent authority have passed the impugned G.O.Ms.No.92 dated 26.03.1997. On 08.12.2011, the 1st respondent cancelled the right of cheque signing which was entrusted to the petitioner. Immediately thereafter, on 09.12.2011, the petitioner gave a reply to the Block Development Officer and subsequently, the same was communicated by the 2nd respondent on 12.12.2011. Challenging the said order along with the G.O.Ms.No.92 dated 26.03.1997, the instant writ petition has been filed.

2. Mr.V.Ravi, learned counsel for the petitioner would submit that, the official respondents alleged that due to non co-operation of the petitioner with the official respondent, for which the District Collector cancelled the right of cheque signing by invoking Section 203 of the Tamil Nadu Panchayat Act, 1994. However, the very same issue was raised before this Court without affording opportunity to the petitioner, canceling the right of cheque signing is unsustainable. In support of the said issue, the learned counsel for the petitioner further placed reliance on (2005) 1 CTC 545.

3. The learned Additional Government Pleader appearing for the respondents would submit that, by virtue of interim order, the petitioner was continued as the President with the cheque signing power and the said period has been already over. Hence, there is no necessity to remand the matter back to the authority for complying the principle of natural justice.

4. Considering the facts and circumstances of the case and there is no dispute with regard to the law laid down by the Division Bench of this Court reported in (2005) 1 CTC 545. However, by virtue of the interim order, the petitioner has continued as the President with the cheque signing power and the said period came to end. Hence, there is no need for any further adjudication in this case. Accordingly, the writ petition is closed. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Pkn.

To

1. The District Collector /
Inspector of Panchayath,
Coimbatore District,
Coimbatore.

2. The Block Development Officer (Village Panchyath),
Pollachi South Block,
Pollachi Coimbatore District.

+1cc to Mr.V.Ravi , Advocate SR.No. 74348

+1 cc to Government Pleader Sr.No. 74033

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A.SK(03/12/2019)