



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2019

CORAM

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.30537 of 2015

P.Poyyamozhi,  
Panchayat President,  
Ullikottai Panchayat.

...Petitioner

Vs.

1.The Government of Tamil Nadu,  
Rep. by its Secretary, Department of  
Local Authority and Rural Administration,  
Fort St. George, Chennai - 600009.

2.The District Collector cum Inspector of Panchayat,  
Thiruvarur District, Thiruvarur.

3.The Tahsildar,  
Mannargudi Taluk Office, Mannargudi,  
Thiruvarur District.

4.The Assistant Director (Panchayat),  
Office of Collectorate,  
Thiruvarur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records in Na.Ka.1971/2014/A2/U E (VOO) dated 10.09.2015 and the same published Thiruvarur District Gazette Special Publication No.6 dated 14.09.2015 on the file of the 2nd respondent herein and quash the same as illegal, error on the face of record and against the principles of natural justice and direct the 2nd respondent to allow the petitioner to continue as a president of Ullikottai panchayat.

For Petitioner : Mr.A.Thiagarajan  
Senior Counsel  
for Mr.D.Veerasekaran

For Respondents: Mr.N.Srinivasan  
Additional Government Pleader



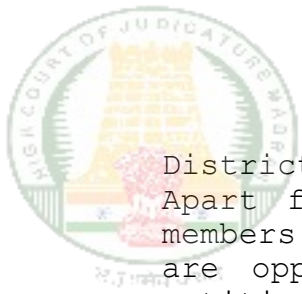
## O R D E R

This writ petition has been filed challenging the order passed by the District Collector dated 10.09.2015 published in the Thiruvavarur District Gazette dated 14.09.2015 in and by which the District Collector in exercise of his powers under Section 205(11) of the Tamil Nadu Panchayat Act, 1994 [hereinafter referred to as "the Act"] removed the petitioner from the office of the President of the Ullikottai Panchayat.

2.The impugned order has been challenged on the ground of serious violation of principles of natural justice, non-adherence to the procedure contemplated under Section 205 of the Act, failure to follow the decision of the Hon'ble Full Bench in the case of The District Collector and Inspector of District Panchayat, Villupuram District vs. Devi Parasuraman and another [(2009) 4 LW 778], failure to adhere to the directions issued in the writ petition in W.P.No.18556 of 2015 dated 28.07.2015 filed by the petitioner and not considering the representation given by seven of the elected members on 02.09.2015 to the District Collector opposing the No Confidence Motion and the representation of the petitioner dated 03.09.2015 requesting for copy of the report submitted by the Tahsildar pursuant to the meeting convened by him.

3.Heard Mr.A.Thiagarajan, learned Senior Counsel assisted by Mr.D.Veerasekaran, learned counsel for the petitioner and Mr.N.Srinivasan, learned Additional Government Pleader for the respondents.

4.The petitioner had approached this Court earlier by filing a writ petition in W.P.No.18556 of 2015 challenging the order dated 22.06.2015 removing the petitioner from the office of the President of the said Village Panchayat. The Court after hearing the parties was convinced that there has been violation of principles of natural justice and therefore, issued a direction to the District Collector to direct the Tahsildar to convene one more meeting to ascertain the views of the elected members and thereafter take a final decision in the matter. Pursuant to which, show cause notice dated 19.08.2015 was issued. In the said notice, there is a reference to a communication of the Assistant Director of Village Panchayat dated 20.08.2014. The petitioner by representation dated 24.08.2015 requested for a copy of the said proceedings. This request was not considered nor acceded to. The meeting was convened and the Tahsildar is stated to have given a report to the District Collector. A copy of the report was sought for by the petitioner by representation dated 03.09.2015. However, the



District Collector did not furnished a copy of the report. Apart from that on 02.09.2015, seven out of the nine elected members had addressed the District Collector stating that they are opposing the charges which have been framed against the petitioner. This aspect has also not been considered and apart from that, the District Collector did not issued any notice after the Tahsildar has submitted the report. These are all clearly in violation of the decision of the Hon'ble Full Bench in Devi Parasuraman's case.

5.For the above reasons, the writ petition is allowed and the impugned order is quashed. No costs.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary,  
Government of Tamil Nadu,  
Department of Local Authority and Rural Administration,  
Fort St. George, Chennai - 600009.
- 2.The District Collector cum Inspector of Panchayat,  
Thiruvarur District, Thiruvarur.
- 3.The Tahsildar,  
Mannargudi Taluk Office, Mannargudi,  
Thiruvarur District.
- 4.The Assistant Director (Panchayat),  
Office of Collectorate, Thiruvarur District.

+1cc to Mr.D.Veerasekaran, Advocate Sr.100809

W.P.No.30537 of 2015

vsn II[co]  
srg 31/12/2019