



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.6730 of 2020 and

W.M.P. (MD)Nos.6100 & 6101 of 2020

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Revathi,
Vice President,
Keelanagachi Panchayat,
Mandapam Panchayat Union,
Ramanathapuram.

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Assistant Director(Panchayat),
Ramanathapuram.
3. The Deputy Block Development Officer-3,
Mandapam Panchayat Union, Uchipuli,
Ramanathapuram.
4. The President,
Keelanagachi Panchayat,
Mandapam Panchayat Union,
Ramanathapuram.
5. P.Kavitha,
8th Ward Member,
Keelanagachi Panchayat,
Mandapam Panchayat Union,
Ramanathapuram.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned resolution Nos.50 and 51 dated 08.05.2020 passed by the fourth respondent and the impugned notice of the third respondent signed on 28.05.2020 and quash the same.

For Petitioner	: Mr.H.Arumugam
For R-1 & R-2	: M/s.J.Padmavathi Devi, Special Government Pleader.
For R-3	: Mrs.S.Srimathy, Special Government Pleader.
For R-4	: Mr.G.Prabhu Rajadurai



O R D E R

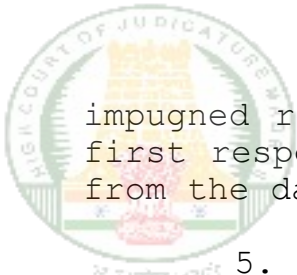
Heard the learned counsel on either side.

2. The writ petitioner is the Vice President of the fourth respondent Panchayat. Her grievance is that her cheque signing power has been taken away by the panchayat resolution. The resolution has sought to confer the same on the fifth respondent. The third respondent has also issued show cause notice in this regard. The resolution passed by the panchayat and the show cause notice issued by the third respondent have been challenged in this writ petition.

3. There is consensus on the either side as regards the procedure laid down in G.O.(Ms)No.92 Rural Development (C.III) Department dated 26.03.1997. The learned counsel on either side drew my attention to the decision of the Hon'ble Division Bench reported in 2005 (1) CTC 545 (Pugazhendran V. B.G.Balu) in this regard. In the said decision the validity of the Government Order has been upheld. However, it has been made clear that such resolutions can be implemented only after the Inspector of Panchayats/District Collector grants approval. Before granting such approval, the Inspector of Panchayats would give a hearing to the affected party. The relevant paragraph No.27 of the said Judgment reads as under:-

"27. We would however point out that before granting prior approval it would be the duty of the Inspector of Panchayats(District Collector) to give a hearing to the Vice-President or (President, as the case may be) (which need not be a personal hearing as already mentioned above), and apply his mind and decide by a written order giving reasons as to whether in his opinion, the Vice-President(or President, as the case may be) is refusing to sign the cheque for ulterior motive, or for genuine reasons in the interest of the village panchayat. It will be the duty of the Inspector of Panchayats, to decide this matter objectively and impartially without being influenced by any extraneous pressures of considerations. If the refusal to sign the cheque is for good and genuine reasons in the interest of the Village Panchayat, the Inspector should refuse approval, but if it is for extraneous considerations or is *mala fide* he should grant it."

4. I am of the view that it is not necessary to interfere with the impugned resolutions or the show cause notice at this point of time. I direct the first respondent to take a decision in this regard. The first respondent will scrupulously adhere to the principles laid down in the aforesaid decision of the Hon'ble Division Bench. Till the first respondent takes a decision, the



impugned resolutions will be put on hold and kept in abeyance. The first respondent will decide the issue within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition stands disposed of.

6. I make it clear that I have not gone into the merits of the matter. All the contentions of the petitioner are left open. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The District Collector,
Ramanathapuram District, Ramanathapuram.
2. The Assistant Director(Panchayat),
Ramanathapuram.
3. The Deputy Block Development Officer-3,
Mandapam Panchyat Union, Uchikuli,
Ramanathapuram.

+1 CC to Mr.G. PRABHU RAJADURAI, Advocate (SR-14598[F] dated 21/08/2020)

+1 CC to SGP (SR-14698[F] dated 21/08/2020)

+1 CC to Mr.H. ARUMUGAM, Advocate (SR-14620[F] dated 21/08/2020)

W.P. (MD)No.6730 of 2020
20.08.2020

KM (02.09.2020) 3P 7C