



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.13588 of 2020
and W.M.P.Nos.16863 and 16865 of 2020

S.Devasena
President,
Sedappalayam Panchayat,
26, East Street,
Chinnakaraikadu,
Caper Quarry Post,
Cuddalore - 607 005.

... Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by Secretary to Government,
Rural Development and Local Administration Department,
Fort St.George,
Chennai - 600 009.

2. The Inspector of Panchayat /
The District Collector,
Cuddalore District,
Cuddalore.

3.The Additional Collector,
Cuddalore District,
District Rural Development Office,
Cuddalore - 600 001.

4.The Project Director,
Cuddalore.

5. The Assistant Director,
Rural Development and Land Administration,
Cuddalore District.

6. The Block Development Officer,
Cuddalore - 600 001.

7.A.Tamilselvi



Vice President,
Sedappalayam Panchayat,
Mariamman Koil Street,
Chinnakaraikadu,
Caper Quarry Post,
Cuddalore - 607 005.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 2 and 6 to remove the cheque signing authority from the 7th respondent and permit elected member S.Bagym to counter sign cheques and PFMS forms along with the petitioner in Sedappalayam Panchayat, Cuddalore District, as contemplated in Circular Na. Ka.A4/0418/2020 dated 07.05.2020 issued by the 6th respondent on considering the representations of the petitioner, more particularly the representation given on 20.07.2020.

For Petitioner : Ms.Hema Sampath
Senior Counsel for
Ms.R.Meenal

For Respondents: Mr.A.Selvendiran
Government Advocate
for R1 to R6

: Mr.K.Balu for R7

O R D E R

This writ petition has been filed for issue of writ of mandamus directing the 2nd respondent to act upon the representation made by the petitioner on 20.07.2020 wherein, the petitioner has requested to take away the cheque signing authority of the 7th respondent due to her continued non-cooperation in not signing the cheques and other documents and thereby, stalling the functioning of the Panchayat.

2.When the matter was taken up for admission on 28.09.2020, this Court passed the following order:

Mr.S.N.Parthasarathi, learned Government Advocate, takes notice for the respondents 1 to 6.

2.Notice to the 7th respondent returnable by 12.10.2020. Private notice is also permitted. In the meantime, the respondents are directed to file their counter affidavit.

3.The learned counsel for the petitioner is directed to serve all the papers immediately on Mr.S.N.Parthasarathi, learned Government Advocate appearing for the respondents 1 to 6.



4. Post this case on 12.10.2020.

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It is seen from records that the District Collector, by proceedings dated 24.08.2020, has directed the 7th respondent to cooperate and to sign the necessary documents along with the petitioner, in order to ensure the smooth functioning of the panchayat.

2. The grievance of the petitioner is that, in spite of this order, the 7th respondent is not cooperating and as a result of the same, there are nearly 112 bills which remain stagnant since they were not signed by the 7th respondent. Continuance of this situation does not enure any good for the panchayat. If the 7th respondent is not cooperating, the 6th respondent has to immediately act in accordance with the circular dated 07.05.2020. A decision shall be taken immediately in this regard and all the pending bills shall be signed and counter-signed either by the 7th respondent or by any other elected member chosen by the 6th respondent. This process shall be completed within a period of two weeks from the date of receipt of a copy of this order.

3. Thereafter, the matter was taken up for hearing on 14.10.2020 and this Court passed the following order:

The learned counsel appearing for the 7th respondent viz., the Vice President of Panchayat categorically submitted that the 7th respondent will co-operate and sign the relevant documents without causing any delay and the 7th respondent will not put spokes into the smooth functioning of the panchayat.

2. The learned Government Advocate appearing on behalf of official respondents submitted that the 7th respondent gave a similar undertaking when she was called for enquiry by the 6th respondent.

3. Post this case under the caption for orders on 19.11.2020. In the meantime, the 7th respondent is directed to act as per the undertaking given before this Court. The 6th respondent is directed to file a counter affidavit and specifically state about the co-operation extended by the 7th respondent in the smooth functioning of the panchayat, pursuant to the present order passed by this Court.



4.It is clear from the above orders that the 7th respondent had undertaken to cooperate and sign all the relevant documents without causing any delay. This Court also directed the Block Development Officer to monitor and ensure that the 7th respondent cooperates in the smooth functioning of the Panchayat.

5.When the matter was taken up for hearing today, the learned Senior Counsel appearing on behalf of the petitioner brought to the notice of this Court, the letters given by the Executive Officer of the Panchayat which reveals the fact that the 7th respondent is again resorting to non-cooperation and his refusing to sign the relevant documents. The learned Senior Counsel by relying upon these letters, submitted that the petitioner, who is the President of the Panchayat, is not able to carry on with the functioning of the Panchayat and therefore, directions should be issued to the 2nd respondent to proceed further against the 7th respondent in accordance with the Tamil Nadu Panchayat Act.

6.In the considered view of this Court, this Court gave a long rope to the 7th respondent to cooperate in the functioning of the Panchayat by signing the relevant documents. It seems that the 7th respondent is bent up on putting spokes on the smooth functioning of the Panchayat. Since, the 7th respondent has gone back on the undertaking given before this Court on 14.10.2020, this Court has no other option except to issue appropriate directions to the 2nd respondent.

7.In view of the above discussion, there shall be a direction to the 2nd respondent to initiate appropriate proceedings under Section 204 of the Tamil Nadu Panchayat Act, 1994 and ensure that the smooth functioning of the Panchayat is not brought to a stand still due to the attitude of the 7th respondent who is the vice-president of the Panchayat. The 2nd respondent shall act strictly in accordance with the procedure contemplated under the Act and pass appropriate orders, within a period of four weeks from the date of receipt of copy of this order.

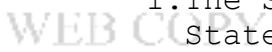
8.This writ petition is disposed of with the above directions. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar



To

- +1cc to M/s.R.Meenal, Advocate, S.R.No.46792
+1cc to the Government Pleader, S.R.No. 46881

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and W.M.P.Nos.16863 and 16865 of 2020

KG (CO)
SB (07/10/2021)