



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.16434 of 2021
and
WMP Nos.17399 & 17400 of 2021

U.Umarani

...Petitioner

.Vs.

1. The District collector
Dharmapuri District-636705.

2. The Assistant Director
Rural Development
Collector Office Buildings
Dharmapuri -636705.

3. The Block Development officer
Village and Panchayaths
Morappur union
Dharmapuri District 635 305.

4 Vinotha
W/o.Raja
Vice- President
Morappur Panchayath
Dharmapuri Main Road
Dharmapuri Dt.-635305.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records in Na.Ka.No.1856/ 2020 / A1 dated 16.4.2021 on the file of the 1st respondent and quash the same and consequently direct the 1st respondent to make 3rd respondent to be the co-signing authority along with the petitioner to withdraw funds from all accounts of Morappur Panchayath , Morappur Union, Dharmapuri District to carry out all the works and also to incur necessary expenses relating to the said Panchayath.



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For Petitioner : Mr.J.Bharathi Raja

For Respondents : Mr.U.Baranidharan
Government Advocate
for R 1 & R 2

Mr.S.J.Mohamed Sathik
for R 3

Mr.M.Jayachandran
for R 4

O R D E R

This writ petition has been filed challenging the proceedings of the first respondent dated 16.04.2021 and for a consequential direction to the first respondent to make the third respondent as the co-signing authority along with the petitioner to withdraw the funds and to carry out the necessary work in the Panchayat.

2.When the matter was admitted on 06.08.2021, this Court passed the following order:

Mr.U.Baranidharan, learned Government Advocate takes notice for respondents 1 and 2 and Mr.S.J.Mohammed Sathik takes notice for the third respondent. Notice to the fourth respondent returnable by 16.08.2021. Private notice is also permitted.

2. It is seen from records that the petitioner is the elected President of Morappur Panchayat. The petitioner has made an allegation in the affidavit to the effect that she is being discriminated by the ward members and particularly by the fourth respondent, who is the Vice President of the Panchayat on the only ground that she belongs to Scheduled Caste community. The petitioner was facing a lot of problems in implementing the projects since the fourth respondent was refusing to sign the cheques as a co-signee. The petitioner made a complaint in this regard to the first respondent and the first respondent, through proceedings dated 16.04.2021, permitted the Block Development Officer, who is the third respondent to manage the affairs. This was done as a stop gap arrangement since the election notification was in force during the relevant point of time. This situation cannot continue since the elections are over and the elected Government has taken charge. The first



respondent has to necessarily take into consideration the changed situation and issue appropriate orders to ensure the smooth functioning of the Panchayat.

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3. Learned Government Counsel shall take instructions and report before this Court. Post this case under the caption "For Reporting Compliance" on 16.08.2021.

3. Thereafter, the matter was taken up for hearing on 16.08.2021 and this Court passed the following order:

Pursuant to the orders passed by this Court on 06.08.2021, the learned Government Counsel appearing on behalf of the respondents 1 and 2 submitted that, a notice has been issued by the first respondent to the petitioner as well as the Vice President of the Panchayat on 30.07.2021, calling upon them to give their explanation within a period of seven days. The learned counsel submitted that, considering the explanation given by the President and the Vice President, the first respondent will take a decision and report before this Court. It was further submitted that, till date the Vice President has not given any explanation for the notice issued by the first respondent.

2. The learned counsel appearing on behalf of the Block Development Officer, who is the third respondent in this writ petition submitted that, pursuant to the directions issued by the second respondent, the third respondent issued notices both to the petitioner as well as the Vice President and the same has also been acknowledged by them. The learned counsel submitted that, the explanation has not been given by the Vice President till date.

3. Taking into consideration the facts and circumstances of the case, there shall be a direction to the petitioner as well as the Vice President of the Panchayat, who is the fourth respondent in this writ petition to give their explanation for the notice issued by the first respondent on or before 20.08.2021. If no explanation is forthcoming before the date fixed by this Court, it is left open to the first respondent to take a decision on the available materials. If the explanation is given by the parties, the same shall be taken into consideration and enquired, and a decision shall be taken in accordance with law.



4. Post this case under the caption "For Reporting Compliance" on 06.09.2021.

4. Once again, the matter was listed on 06.09.2021 and this Court passed the following order:

Pursuant to the order passed by this Court on 16.08.2021, the case was listed for hearing today.

2. The learned Government Counsel appearing on behalf of the District Collector circulated the proceedings of the District Collector, Dharmapuri, dated 03.09.2021. It is found from this proceedings that the enquiry was conducted and the District Collector has directed the Block Development Officer to submit a report on 05.10.2021 by informing the District Collector as to whether the Vice Chairman of the Panchayat is co-operating with the functioning of the Panchayat or is continuing to disrupt the smooth functioning of the Panchayat.

3. In view of the above proceedings of the District Collector, post this case under the same caption on 08.10.2021.

5. Pursuant to the above order, the matter was once again posted under the caption "for reporting compliance" today.

6. Heard Mr. J. Bharathi Raja, learned counsel for the petitioner, Mr. U. Baranidharan, learned Government Counsel for R 1 and R 2, Mr. S. J. Mohaied Sathik, learned counsel for R 3 and Mr. M. Jayachandran, learned counsel appearing on behalf of the 4th respondent.

7. The learned Government Counsel appearing on behalf of the first respondent submitted the written instructions dated 07.10.2021. It is seen from the written instructions that the first respondent has already received the report from the Block Development Officer. A careful reading of the report of the Block Development Officer shows that the functioning of the Panchayat has virtually come to a grinding halt due to the continuous dispute between the President and the Vice President. Therefore, it is stated in the written instructions that the report of the Block Development Officer will be acted upon and further proceedings will be initiated by the District Collector.

8. In the considered view of this Court, the Office bearers of the Panchayat are expected to work for the welfare of the concerned local body. However, there are many instances where the office bearers are not able to come together and as a



result of the same, it completely affects the functioning of the local body and it impacts the public interest. This is one such case where the President and Vice President are at loggerheads and as a result of the same, the functioning of the Panchayat is seriously affected.

9. In view of the above, there shall be a direction to the first respondent to forthwith initiate action under the Tamil Nadu Panchayat Act, 1994 and proceed further in accordance with law and the first respondent shall ensure that the functioning of the Panchayat is restored and it no more affects the activities of the Panchayat since it has a direct impact on the public interest.

10. 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

KP

To

1. The District collector
Dharmapuri District-636705.
2. The Assistant Director
Rural Development
Collector Office Buildings
Dharmapuri -636705.
3. The Block Development officer
Village and Panchayaths
Morappur union
Dharmapuri District 635 305.

+1cc to Mr.U.Baranidharan, Advocate, S.R.No.53035
+1cc to the Government Pleader, S.R.No.53516

W.P.No.16434 of 2021

AD[co]
NSK 02/11/2021