IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 8.3.2021

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.No.14511 of 2020
and
W.M.P.No.18003 of 2020

M.Lalithamani Petitioner

vs.

1. The District Collector,
Inspector of Panchayat,
Thirupur District.

2. The Block Development Officer,
Kudimangalam Taluk,
Tirupur District.

3. The President,
Anikkadavu Panchayat,
Tirupur District.

4. C.Jayaprakash Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the entire records pertaining to the impugned proceeding Na.Ka.No.722/2020/A4 order dated 10.6.2020 on the file of 1st respondent and quash the same and in consequence thereof confer the cheque signing power with petitioner.

For Petitioner : Mr.R.Nalliyappan

For RR1 & 3 : Mr.M.Elumalai, AGP

For R4 : Mr.D.R.Arunkumar

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ORDER

This writ petition is filed as against the proceedings of the District Collector, Inspector of Panchayat taking away the cheque signing power of the petitioner, Vice President and handing it over to the 4th respondent.

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2. Due to some misunderstanding between the petitioner and the Ward Members, the first respondent, District Collector appears to have taken away the cheque signing power of the petitioner, Vice President and handed over to the fourth respondent herein under Section 203 of the Tamil Nadu Panchayats Act, 1994 exercising the emergency powers of the District Collector.

3. When the matter is taken up for hearing, it is submitted by Mr.M.Elumalai, learned Additional Government Pleader that pursuant to the interim order passed by this court pending the writ petition, the cheque signing power of the petitioner was restored and now, the functioning of the Panchayat has become smooth without any misunderstanding between the petitioner and the Ward Members.

4. It is not in dispute that the petitioner is the elected Vice President of the Panchayat and as per the provisions of section 188(3), every cheque of the Village Panchayat shall be signed by the President and the Vice President and the petitioner has not been removed from the office of the Vice President under Section 206 of the Tamil Nadu Panchayat Act.

5. When no action is taken under section 206 of the Act and the petitioner remains to be the Vice President, the petitioner is entitled to sign the cheques alongwith the vice President and therefore the impugned order is not sustainable and it is liable to be set aside. Accordingly, it is set aside. The writ petition is allowed. No costs. The connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

ssk.

To

1. The District Collector,
   Inspector of Panchayat,
   Thirupur District.

2. The Block Development Officer,
   Kudimangalam Taluk,
   Tirupur District.

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3. The President,
Anikkadavu Panchayat,
Tirupur District.

+1cc to Mr.R.Nalliappan, Advocate SR.14998
+1cc to the Government Pleader SR.15196

W.P.No.14511 of 2020

SKY(CO)
CB(22/03/2021)

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