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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WRIT PETITION NO.17335 OF 2021

AND

WMP NOS.18357 & 18359 OF 2021

Rathinam

...Petitioner

-Vs-

1. The Assistant Director of Rural Development
(Panchayats), District Collectorate
Coimbatore - 641 018.
2. The Block Development Officer (Taluk Panchayat)
Sulthanpettai, Sulur Taluk
Coimbatore District.
3. The Commissioner
Sulthanpetta Panchayat Union
Sulthanpettai, Sulur Taluk
Coimbatore District.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned orders dated 12.08.2021 made in Na.Ka.No.1907/2021/A3 passed by the 1st respondent and the consequential proceedings dated 13.08.2021 made in Na.Ka.No.68/2020/A3 passed by the 2nd respondent and quash the same, consequently forbear the respondents 1 and 2 from interfering with petitioner's functioning as the Chairman of the 3rd respondent Panchayat Union.



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For Petitioner : Mr.N.Manoharan
for Mr.N.Ponraj

For Respondent : Mr.A.Selvendran,
Government Advocate

ORDER

This writ petition has been filed challenging the impugned proceedings of the first respondent dated 12.08.2021 and the consequential proceedings of the second respondent dated 13.08.2021.

2. The petitioner is the elected President of the third respondent Panchayat Union. The petitioner assumed office on 11.01.2020. A notice dated 13.08.2021 came to be served on the petitioner informing her that an enquiry is going to be conducted by the first respondent on 17.08.2021 based on a petition served for no-confidence motion against the petitioner. The petitioner, on coming to know the same, enquired and found that this notice was given by none other than the person who contested against the petitioner and lost in the election. Since the proceedings of the respondents was not in line with Section 212 of the Tamil Nadu Panchayats Act, 1994, the present writ petition has been filed before this Court.

3. This Court entertained this writ petition on 17.08.2021 and finding a prima facie case, stayed the impugned proceedings of the first and second respondents.

4. The third respondent has filed a counter affidavit. The relevant portion of the counter affidavit are extracted hereunder.

"Even though the Chairman is entitled to hold office till her tenure, but the panchayat act permits to go for a no confident motion by the other members. But in this case, the competent authority has not resorted to the deposing of the Chairman.

The petitioner has averred the respondents 1 and 2



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are not competent authorities to initiate the No Confidence and asked for quashing of the impugned letters. Accordingly it is submitted that the letters are only for communication purpose intending for ascertaining the situation and also to the conducive smooth functioning of panchayat administration. Since there are no grounds of her deposition as Chairman, her averments may totally set aside and the court pass such as order as to close the petition, as there is no damage done so far in this regard. Hence it is requested that the damage done so far in this regard. Hence it is requested that the matter may be deemed settled and the Hon'ble Court may pass suitable order or directions whatsoever in this regard and render justice."

5. The learned Government Counsel appearing on behalf of the respondents submitted that, no show cause notice was served on the petitioner and the first respondent only wanted to enquire the petitioner based on a representation received. The learned counsel submitted that the apprehension raised by the petitioner is unfounded and the stand taken by the third respondent can be recorded and this writ petition can be disposed of.

6. The learned counsel for the petitioner submitted that an elected representative cannot be sent out of the office without following the due procedure under Section 212 of the Act and an attempt is being made by the candidate who lost the election to indirectly unseat the petitioner from the post of Chairman.

7. In the considered view of this Court, the stand taken by the third respondent shows that the first and second respondents are not taking any action to bring a no-confidence motion against the petitioner, who is the Chairman of the third respondent Panchayat Union. In view of the specific stand taken by the first and second respondents, this Court need not go into the grounds raised by the petitioner.

8. The stand taken by the third respondent and the submissions made by the learned Government Counsel are recorded



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and this writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

KST

To

- 1.The Assistant Director of Rural Development
(Panchayats), District Collectorate
Coimbatore - 641 018.
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Sulthanpetta Panchayat Union
Sulthanpettai, Sulur Taluk
Coimbatore District.

+1cc to Mr.N.Ponraj, Advocate, S.R.No.48155

+1cc to the Government Pleader, S.R.No.48537

W.P.No.17335 of 2021

PVS(CO)

RLP(05/10/2021)