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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.17999 of 2021
and W.M.P.No.19227 of 2021

- 1.E.Rajeshwari
- 2.S.Jayanthi
- 3.V.Ramanathan
- 4.D.Natarajan
- 5.R.Balasundari
- 6.D.Sathya

...Petitioners

-Vs-

1. The Inspector of Panchayats
/ The District Collector O/o. The District
Collector Pennaiyar Road
Cuddalore District- 607001
2. The Assistant Directors of Panchayats
O/o. The District Collector
Pennaiyar Road Cuddalore Dt- 607001
3. Block Development Officer
Annagramam Panchayat Union Panrutti Tk
Cuddalore Dt
4. Zonal deputy Block Development Officer
Melkumaramangalam Village
Panchayat Annagramam Panchayat Union
Panrutti Taluk Cuddalore - 607205
5. Tmt. Mahalakshmi Balaji
The President Melkumaramangalam Village
Panchayat Annagramam Panchayat Union
Panrutti Taluk Cuddalore - 607205
6. Tmt.M.Kavitha, W/o Thiru Muthu
1st Ward Member
Melkumaramangalam Village
Panchayat Annagramam Panchayat Union
Panrutti Taluk Cuddalore - 607205



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7. Tmt.M.Boomadevi W/o Thiru Rajarathinam
7th Ward Member
Melkumaramangalam Village
Panchayat Annagramam Panchayat Union
Panrutti Taluk Cuddalore - 607205

8. Thiru A.Prakash, S/o Anjapuli
8th Ward Member
Melkumaramangalam Village
Panchayat Annagramam Panchayat Union
Panrutti Taluk Cuddalore - 607205

9. Thiru K.Balaji, S/o Rajagopal
Mariamman Koil Steet
Melkumaramangalam
Panrutti Taluk Cuddalore - 607205

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records in pursuant to the impugned order passed by the 1st respondent in proceedings NO.Na.Ka.No.Ah2/2885/2020 dated Nil 08/2021 and quash the same.

For Petitioner : Mr.K.Prem Anand

For Respondents : Mr.U.Baranidharan,
Government Advocate - for RR 1 and 2
Mr.A.Selvendran
Government Advocate - for RR 3 and 4

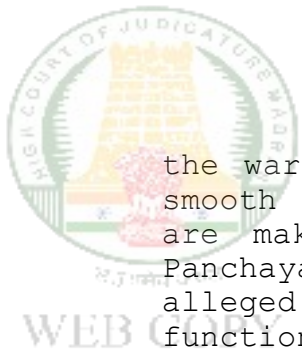
O R D E R

On consent given by either side, the main writ petition itself has been taken up for final hearing.

2. The subject matter of challenge in the present writ petition pertains to the impugned proceedings of the first respondent dated 04.08.2021.

3. The first petitioner is the Vice President of the Village Panchayat and the other petitioners are the ward members of the Village Panchayat. All of them were elected on 02.01.2020 and they assumed charge on 11.01.2020 and 06.01.2020 respectively. The fifth respondent is the elected President of the Village Panchayat.

4. The Village Panchayat Board consists of the President, Vice President and eight ward members. It is seen from records that right from the beginning, there has been continuous bickerings between the Vice President and the President and also



the ward members. This has effectively come in the way of the smooth functioning of the Village Panchayat. The petitioners are making various allegations against the President of the Panchayat and in turn, the President of the Panchayat has alleged that the petitioners have virtually brought the functioning of the Village Panchayat to a grinding halt.

5. A complaint seems to have been made before the first respondent and based on the same, the first respondent has also called for a report from the third respondent and based on the complaint and the report, the first respondent has proceeded to pass the impugned order dated 04.08.2021 under Section 204(3) of the Tamil Nadu Panchayat Act. By virtue of this order, the signing authority of the first petitioner has been kept under suspension and the other ward members have been restrained from voting during the Board Meetings. Aggrieved by the same, the present writ petition has been filed before this Court.

6. Heard Mr.K.Prem Anand, learned counsel appearing for the petitioners, Mr.U.Baranidharan, learned Government Advocate appearing for the first and second respondents and Mr.A.Selvendran, learned Government Advocate appearing for the third and fourth respondents.

7. The learned counsel for the petitioner, apart from raising various grounds, pertinently raised the ground of violation of principles of natural justice. The learned counsel submitted that, the first respondent has proceeded to pass an order, which has a very serious consequence on the elected members, without even affording them an opportunity to give explanation on the complaint that was made by the fifth respondent. The learned counsel submitted that, the fifth respondent has resorted to taking action against the petitioners since the petitioners were questioning the illegal acts of the fifth respondent and had also given a complaint and therefore, the fifth respondent was uncomfortable in having the petitioners in the Board. Therefore, she had initiated a complaint and based on the same, the impugned proceedings came to be passed by the first respondent without affording any opportunity.

8. Per contra, the learned Government Counsel appearing on behalf of the respondents 1 and 2 submitted that, the petitioners have virtually brought the functioning of the Village Panchayat to a grinding halt and the first respondent had no other option except to step in and restore the normal functioning of the Village Panchayat. The learned counsel submitted that, it will always be open to the petitioners to put forth whatever grounds they have in their favour and the same will be considered by the first respondent.



9. The learned Government Counsel appearing on behalf of the third respondent submitted that the Block Development Officer had conducted an enquiry and had submitted a report before the first respondent on 19.07.2021 and it is based on the same, the first respondent has proceeded to initiate action under Section 204(3) of the Tamil Nadu Panchayats Act, 1994.

10. This Court has carefully considered the submissions made on either side and perused the materials placed on record.

11. It is not necessary for this Court to go into the allegations and counter allegations made by the petitioners against the President of the Panchayat and vice versa. On a careful reading of the impugned proceedings of the first respondent, it can be seen that the first respondent has merely acted upon the complaint given by the fifth respondent and the report submitted by the third respondent and no explanation has been sought for from the petitioners. When the first respondent has proceeded to initiate action under Section 204(3) of the Act, which has a very serious consequence on the elected members, the minimum that is required was to put the petitioners on notice and sought for their explanation and thereafter orders should have been passed strictly in accordance with law. Once this procedure has not been followed, the impugned order of the first respondent has to be necessarily interfered with since it has civil consequences and the order has been made in violation of the principles of natural justice.

12. In view of the above discussion, the impugned proceedings of the first respondent dated 04.08.2021 is hereby quashed and the matter is remanded back to the file of the first respondent. The first respondent is directed to give a copy of the complaint given by the fifth respondent and the report submitted by the third respondent to the petitioners within a period of two weeks from the date of receipt of a copy of this order. The petitioners, on receipt of the same, shall give their explanation along with all the materials within a period of two weeks thereafter. On receipt of the same, it is left open to the first respondent to deal with the same on its own merits and in accordance with law and pass final orders within a period of two weeks thereafter. The time lines fixed by this Court shall be strictly adhered to since the Village Panchayat has not been able to function smoothly because of the dispute between the parties and normalcy will have to be restored at the earliest point of time.



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13. This writ petition is allowed with the above directions.
No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KST

To

1. The Inspector of Panchayats / The District Collector O/o.
The District Collector Pennaiyar Road
Cuddalore District- 607001
2. The Assistant Directors of Panchayats, O/o.
The District Collector
Pennaiyar Road Cuddalore District - 607001
3. The Block Development Officer, Annagramam Panchayat Union
Panrutti Tk
Cuddalore District.
4. The Zonal deputy Block Development Officer,
Melkumaramangalam Village
Panchayat Annagramam Panchayat Union
Panrutti Taluk Cuddalore - 607205

+1cc to Mr.K.Prem Anand, Advocate, S.R.No.43553
+1cc to the Government Pleader, S.R.Nos.43908,43943

W.P.No.17999 of 2021
& WMP No.19227 of 2021

PMK[co]
NSK 07/09/2021