



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2021

CORAM:

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P. No.22818 of 2021  
and WMP Nos.24042 and 24043 of 2021

Sobana .. Petitioner

Vs

1.The Inspector of Panchayat/District Collector  
Thiruvannamalai District,  
Thiruvannamalai.

2.The Block Development Officer,  
(Village Panchayat)  
Anakkavur Panchayat Union,  
Anakkavur, Cheyyar Taluk  
Thiruvannamalai District.

..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the 1<sup>st</sup> respondent in his proceedings Na.ka.No.3064/2020/A2 dated 12.10.2021 and quash the same and consequently direct the respondents to permit the petitioner to perform the duties of the President in Melma Village Panchayat, Cheyyar Taluk, Thiruvannamalai District.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.A.Selvendran for R1  
Government counsel  
Mr.Arun Natarajan for R2  
standing counsel

ORDER

This writ petition has been filed challenging the impugned proceedings of the first respondent dated 12.10.2021, wherein, the first respondent, based on the charges against the petitioner, has directed the Block Development Officer to manage the affairs of the Panchayat and to perform the duties of the President.

2. Heard the learned counsel for the petitioner, the learned Government Advocate for the first respondent and the learned standing counsel for the second respondent.



3. The case of the petitioner is that she was elected as a President of Melma Village Panchayat and according to the petitioner, she has been discharging her duties strictly in accordance with law. The petitioner alleges that some of the Ward Members in connivance with the officials were falsely implicating certain irregularities against the petitioner. As a result of the same, a notice came to be issued to the petitioner by framing nearly 16 charges against her. The petitioner received the same and gave a letter seeking for the materials that are relied upon to substantiate the charges against the petitioner. The first respondent thereafter proceeded to pass the impugned order dated 12.10.2021 by directing the Block Development Officer to perform the duties of the President of the Panchayat. Aggrieved by the same, the present writ petition has been filed before this Court.

4. The learned counsel for the petitioner submitted that the action taken by the first respondent is in violation of the procedure contemplated under Section 204 of the Tamil Nadu Panchayats Act, 2004. The learned counsel submitted that the first respondent did not even furnish the materials that were relied upon to substantiate the charges against the petitioner. It was further submitted that such an adverse decision ought not to have been arrived at by the first respondent without giving an opportunity to the petitioner. Therefore, according to the learned counsel for the petitioner, the impugned order suffers from violation of principles of natural justice.

5. In the considered view of this Court, the nature of allegations made against the petitioner and the charges framed against the petitioner are quite serious. Therefore, this Court does not find any ground to interfere with the interim arrangement that has been made by the first respondent through the impugned order dated 12.10.2021.

6. However, taking into consideration the fact that the petitioner is an elected President and such an elected representative should not be deprived of her right that has been vested on her under the Panchayats Act, this Court wishes to provide an opportunity to the petitioner to give her explanation for the charges framed against her.

7. In view of the above discussion, there shall be a direction to the first respondent to furnish the materials that are relied upon against the petitioner within a period of two weeks from the date of receipt of a copy of this order. Immediately on receipt of the same, the petitioner shall give her explanation for the charges made against her within a period of two weeks thereafter. Immediately on receipt of the explanation from the petitioner, the first respondent shall pass final orders on its own merits and strictly in accordance with law within a period of four weeks thereafter. Till then,



the interim arrangement made through the impugned order dated 12.10.2021 shall continue.

8. This writ petition is disposed of accordingly. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-  
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

RR

To

1.The Inspector of Panchayat/District Collector  
Thiruvannamalai District,  
Thiruvannamalai.

2.The Block Development Officer,  
(Village Panchayat)  
Anakkavur Panchayat Union,  
Anakkavur, Cheyyar Taluk,  
Thiruvannamalai District.

+1cc to Mr.C.Prakasam, Advocate SR.No.55229

+1cc to Government Pleader SR.No.55077

W.P.No.22818 of 2021

PCH(CO)  
GMY(15/11/2021)