



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 23.02.2021

CORAM

THE HON'BLE MR.JUSTICE V.PARTHIBAN

WEB COPY

W.P. (MD) No.3829 of 2021

and

W.M.P. (MD) No.3044 of 2021

S.Dhanalakshmi

... Petitioner

-vs-

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

2.The Assistant Director of Panchayat,
O/o The Assistant Director of Panchayat,
Dindigul.

3.The Block Development Officer,
Dindigul Panchayat Union Office,
Dindigul.

4.The Tahsildar,
Dindigul West Taluk Office,
Dindigul.

5.Pallapatti Panchayat,
Rep. by its President,
Pallapatti,
Dindigul District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari calling for the records relating to the resolution dated 03.02.2021 and 04.02.2021 issued by the members of the fifth respondent and consequential impugned notice issued by the fourth respondent in Na.Ka.6444/2020/E, dated 05.02.2021 and quash the same.

For Petitioner : Mr.T.Selvan

For Respondents : Mr.K.Chellapandian

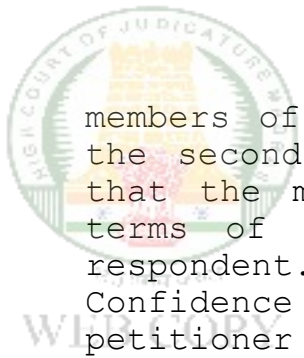
Additional Advocate General

Assisted by Mr.B.Bhagavathi

Government Advocate

ORDER

The petitioner claims herself to be the Vice President of the Pallapatti Panchayat in Dindigul District. According to her, a nine
<https://hcservices.ecourts.gov.in/hcservices/>



members of the Panchayat had given a complaint against her before the second respondent. An enquiry was conducted and it appeared that the members were advised to move a No Confidence Motion in terms of the provisions of the Panchayat Act before the fourth respondent. Thereafter, twelve members appeared to have moved No Confidence Motion against the petitioner on the ground that the petitioner had committed serious irregularities.

2. In pursuance of the enquiry proceeding, the fourth respondent had issued notice on 05.02.2021 with a copy of the motion passed against her and sought her explanation. The petitioner is before this Court challenging the notice issued by the fourth respondent.

3. According to the learned Counsel appearing for the petitioner that the notice was issued without following proper procedure contemplated in the Act and therefore, there is no requirement for the petitioner to approach before the authority in pursuance of the impugned notice. The learned Counsel appearing for the petitioner attempted to argue the case little more elaborately but this Court is not inclined to entertain the argument any further for the reason that after all what is being challenged in this Writ Petition is a show-cause notice. Even if there are procedural violations, it is always open to the petitioner to bring it to the notice of the authority concerned and impress upon him of any infirmity in the motion moved against her. However, under the guise of finding fault with the procedure adopted by the members, it is not open to the petitioner to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India and prevent the authorities from proceedings with the show-cause notice.

4. The petitioner, if she has any acceptable legal case against the motion, the proper remedy would be to explain the legal position to the authority and convince him to take a call in her favour. But the petitioner cannot ignore the show-cause notice and challenge the same as if this Court alone could appreciate her challenge. The Court's jurisdiction to intervene at the stage of show-cause notice is limited to exceptional cases where any right of a citizen is irreparably injured calling for this Court's attention forthwith.

5. However, as far as the case on hand is concerned, this Court does not see any compelling reason calling for intervention at this stage and prevent the authority from exercising his power under the provisions of the relevant Act. Therefore, it is for the petitioner to establish her case as against the complaint before the members of the Panchayat Union and to come out unscathed. However, it is not for the petitioner at this stage to stall the enquiry process itself by approaching this Court.



WEB COPY

W.P.(MD) No.3829 of 2021

6.For the above said reasons, this Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SRM

To

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

2.The Assistant Director of Panchayat,
O/o The Assistant Director of Panchayat,
Dindigul.

3.The Block Development Officer,
Dindigul Panchayat Union Office,
Dindigul.

4.The Tahsildar,
Dindigul West Taluk Office,
Dindigul.

+1 CC to M/s.SPL GP (SR-6915[F], SR-7213[F] dated 24/02/2021)

+1 CC to M/s.T.SELVAN, Advocate (SR-6998[F] dated 24/02/2021)

W.P. (MD) No.3829 of 2021
23.02.2021

SVN(CO)

KB(18.03.2021) 3P 7C