



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. [MD]No.786 of 2021

and

C.M.P. [MD]No.3537 of 2021

S.Dhanalakshmi

: Appellant/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/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 23.02.2021 made in W.P.[MD]No.3829 of 2021, on the file of this Hon'ble Court and allow this Writ Appeal.

Prayer in WP(MD). 3829 of 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue an order or a direction or a writ particularly in the nature of Writ of Certiorarified mandamus calling for the records relating to the resolution dated 03/02/2021 and 04/02/2021 issued by the members of the 5th respondent and consequential impugned notice issued by the 4th respondent in Na.Ka.No.6444/2020/E dated 05/02/2021 and quash the same and pass such further or other order as this Honble Court may deem fit for the facts and circumstances of this case and thus render justice.



For Appellant : Mr.T.Selvan
For Respondents : Mr.K.P.Krishnadass
Special Government Pleader

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

By consent of both parties, the appeal itself is taken up for final disposal.

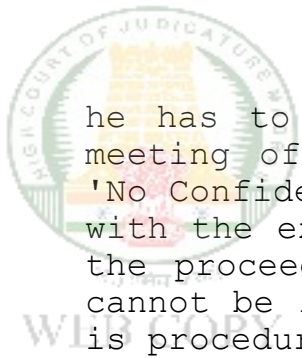
2.Heard Mr.T.Selvan, learned Counsel appearing for the appellant and Mr.K.P.Krishnadass, learned Special Government Pleader appearing for the respondents.

3.This writ appeal is directed against the order dated 23.02.2021 made in W.P.[MD]No.3829 of 2021. The said writ petition was filed by the appellant who is the Vice President of Pallapatti Panchayat in Dindigul District, challenging the resolution passed by the fifth respondent Panchayat dated 03.02.2021 and 04.02.2021 and the notice issued by the Tahsildar, Dindigul West Taluk, fourth respondent dated 05.02.2021.

4.The Writ Court, dismissed the writ petition on the ground that the petitioner has challenged the show cause notice and he cannot stall the proceedings.

5.On a careful perusal of the notice issued by the fourth respondent dated 05.02.2021, we find that there are two such notices issued on the same date by the fourth respondent. One is a show cause notice calling upon the appellant to show cause within 7 days, on the representation made by the other ward members expressing no confidence on the appellant and if the appellant does not give her explanation within 7 days, proceedings will be initiated in terms of Section 211 of the Tamil Nadu Panchayat Act, 1994 [hereinafter referred to as 'the Act']. But, along with the said show cause notice, another summon dated 05.02.2021 was issued directing the appellant to participate in the meeting of the Panchayat convened by the Tahsildar, in which, 'No Confidence' is to be tabled.

6.So far as the resolution which was stated to have been passed on 03.02.2021 and 04.02.2021, the writ Court cannot interfere with the same and to that extent the learned Single Bench was right. However, we find that simultaneously, issuing show cause notice and summons, is contrary to the provisions of the Act, because, the appellant is holding the office of the Vice President of the Panchayat and she is entitled to give her objections / explanations on expressing 'No Confidence' against her. The explanation / objection given by the appellant pursuant to such notice is required to be considered by the District Collector and upon dissatisfaction,



he has to record the same and direct the Tahsildar to convene a meeting of the Panchayat to discuss the said resolution regarding 'No Confidence'. On the other hand, if the District Collector agrees with the explanation, however, it would be well open to him to drop the proceedings. In any event, the show cause notice and summons cannot be issued on the same day. Therefore, to that extent, there is procedural irregularity warranting interference.

7. In the result, the Writ Appeal is allowed in part and the prayer for quashing the resolution dated 03.02.2021 and 04.02.2021, is rejected and summon dated 05.02.2021 alone is quashed and the appellant is directed to submit her explanations to the show cause notice dated 05.02.2021, within a period of seven [7] days from the date of receipt of a copy of this judgment and on receipt of the explanation, the first respondent shall proceed in accordance with law. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

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

+1 CC to M/s.T.SELVAN, Advocate (SR-15688[F] dated 09/04/2021)

+1 CC to M/s.SPL GP (SR-15826[F] dated 15/04/2021)

JUDGMENT MADE IN
W.A.[MD]No.786 of 2021
09.04.2021

km (CO)

TR(16.04.2021) 3P 8C

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