



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN

W.P(MD)No.12009 of 2021

and

W.M.P(MD)No.9464 of 2021

WEB COPY

A.Subash

... Petitioner

vs.

1.The District Collector,  
Inspector of Panchayat,  
Collectorate,  
Thoothukudi,  
Thoothukudi District.

2.The Assistant Director of panchayat,  
Collectorate,  
Thoothukudi,  
Thoothukudi District.

3.The Block Development Officer,  
Sattankulam,  
Sattankulam Taluk,  
Thoothukudi District.

4.The President,  
Mudalur Village Panchayat,  
Mudalur,  
Thoothukudi District.

5.Pon Murugesan.

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the representation of the petitioner dated 08.07.2021, thereby enable him to execute his statutory function under Section - 188 (3) of the Tamil Nadu Panchayats Act, 1994, and to take appropriate action on the fifth respondent - President of the Mudalur panchayat for the violation of Section - 90 of the Tamil Nadu Panchayats Act 1994.

|                |   |                                 |
|----------------|---|---------------------------------|
| For Petitioner | : | Mr.D.Muthu Kumar                |
|                |   | For D.Selvanayagam              |
| For R1 & R2    | : | Mr.Veerakathiravan              |
|                |   | Additional Advocate General-III |
|                |   | Assisted by Mr.J.John Rajadurai |
|                |   | Government Advocate             |
| For R3         | : | No Appearance                   |
| For R4 & R5    | : | Mr.S.Ramsundaravijayraj         |



## O R D E R

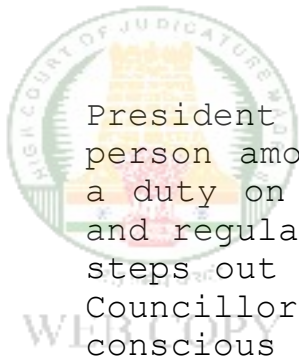
The Writ Petition has been filed in the nature of Mandamus, seeking a direction against the respondents 1 to 3, namely the District Collector/The Inspector of Panchayats, Thoothukudi District and the Assistant Director of Panchayat in Thoothukudi District, The Block Development Officer in Sattankulam Taluk in Thoothukudi District, to consider the representation of the petitioner, dated 08.07.2021 and thereby enable him to execute his statutory functions under Section 188 (3) of the Tamil Nadu Panchayats Act, 1994 and also to take action against the fifth respondent/President of Mudalur Panchayat for the violation of Section 90 of Tamil Nadu Panchayats Act, 1994.

2.The petitioner is the Vice-President of Mudalur Panchayat in Sattankulam Taluk, Thoothukudi District. The Petitioner, as Vice-President, has certain responsibilities to discharge. Among them are, to sign cheques as provided under Section 188 (3) of the Tamil Nadu Panchayats Act, 1994. If the petitioner takes a decision not to sign the cheques, then, that the Inspector of Panchayats/District Collector has every authority to include any other person to sign the cheques along with the President or with any other official. This is necessary because there must be at least two persons, who are required to sign the cheques. Normally, the power is given in view of the post held and by recognizing the posts held to the President and Vice-President.

3.It will only be appropriate that both of them discharge their official duty leaving out personal quarrels behind them. But, if they are not able to do so, then the Collector is well with his power to remove the person who refuses to sign the cheques and induct any other responsible official along with existing official namely, either the Panchayat President or the Vice-President.

4.The main reason for filing of the present Writ Petition appears to be a call for a meeting scheduled on 20.07.2021 with one agenda. The petitioner had a deep apprehension that the agenda was only to remove him from the post of Vice-President. That is an aspect which the members or the Councillors of the Elected Body will have to take a decision.

5.The post of President is elected by the people. Thereafter, the Councillors or ward members sit around together and elect one among of them as Vice-President. When they elect a particular individual as Vice-President, it also normally indicates that they have rejected others to function in the post of Vice-President. If the elected member whom they have chosen as Vice-President does not discharge his/her particular work in manner expected, the choice obviously falls on those who elected him/her as a Vice-



President to reconsider that particular decision and put another person among themselves as Vice-President. This naturally places a duty on the elected person to act in accordance with the rules and regulations and also for the welfare of the people. If he/she steps out of the line, then, it only invites other ward members or Councillors, whoever selected him/her as Vice-President to take a conscious decision to reconsider that particular election of the Vice-President. The Court can never interfere with such decision.

6. The petitioner had given a representation to the District Collector, seeking intervention with respect to the meeting which was scheduled to be held on 20.07.2021. It is stated by Mr. T. Muthu Kumar, learned Counsel for the petitioner, who appears through video conferencing, that the petitioner herein, was able to prevail over the District Collector by giving representations and as a matter of fact, had given further representations and finally also had an interview with an official, who had been sent by the Collector and it is stated that from October 2021 onwards, the petitioner herein, has been signing whatever documents have been presented to him for signature.

7. Therefore, nothing further survives for adjudication in the Writ Petition. But this does not mean that the members who have convened the meeting can never convene any meeting, can never put forth any agenda of any nature. They are well within the rights to call for a meeting. They are well within their rights to seek discussion on any agenda they want to be discussed. They can always convene a meeting to discuss the affairs of the Panchayat and for this, there cannot be any order of restraint as against the members.

8. This Writ Petition is misconceived and therefore the Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

lr/sn

**Note :**

1. In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



To

1.The District Collector,  
Inspector of Panchayat,  
Collectorate,  
Thoothukudi,  
Thoothukudi District.

2.The Assistant Director of panchayat,  
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Thoothukudi,  
Thoothukudi District.

3.The Block Development Officer,  
Sattankulam,  
Sattankulam Taluk,  
Thoothukudi District.

4.The President,  
Mudalur Village Panchayat,  
Mudalur,  
Thoothukudi District.

+1 CC to M/s.D.SELVANAYAGAM, Advocate (SR-37937[F] dated 09/12/2021)

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-38032[F] dated 09/12/2021)

+2 CC to M/s.SPL GP (SR-37925 & 38119[F] dated 09/12/2021 & 10/12/2021)

**W.P(MD)No.12009 of 2021  
08.12.2021**

DJ(CO)  
SB(22.12.2021) 4P 9C