



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P (MD)No.15733 of 2021

and

W.M.P. (MD)Nos.12682 to 12684 of 2021

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R.Maheshwari

... Petitioner

Vs.

1.The District Collector cum Inspector of Panchayat,
Virudhunagar District,
Virudhunagar.

2.The Assistant Director (Panchayats),
Virudhunagar District,
Virudhunagar.

3.The Block Development Officer (Village Panchayats),
Kariyapatti Panchayat Union,
Kariyapatti,
Virudhunagar District.

4.The Tahsildar,
Kariyapatti Taluk,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records of the impugned order in Na.Ka.U.E1/1098/2019 dated 05.05.2021 on the file of the respondent No.1 and the consequential impugned order in Na.Ka.A1/3825/2021 on the file of the respondent No.4 dated 24.08.2021 and quash the same as illegal and consequently forbearing the respondent No.1 from proceeding with enquiry proceedings initiated under section 205 of the Tamil Nadu Panchayats Act without providing the documents requested by the petitioner within the time frame stipulated by the Hon'ble Court.

For Petitioner : Mr.T.Lajapathi Roy
For R1 to R4 : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner challenges an order dated 05.05.2021 and a consequential order dated 24.08.2021 under Section 205 of the

<https://hcservices.ecourts.gov.in/hcservices/>



Tamil Nadu Panchayats Act, 1994.

2. The petitioner states that he is the President of the Panikuripu Village Panchayat. In view of the death by suicide of one Veeramuniasamy, it is stated that proceedings were initiated against the petitioner by impugned order dated 05.05.2021. The petitioner alleges that the explanation provided by him in response to the charges set out in the impugned order dated 05.05.2021 were obtained from him by coercion. Pursuant to such explanation, the consequential impugned order dated 24.08.2021 has been issued by which it is proposed to hold a meeting of the Panchayat to decide on the action to be taken against the petitioner.

3. The principal grievance of the petitioner is that he was unable to respond adequately to the charges on account of the failure of the respondents to provide the documents referred to in the order dated 05.05.2021. Therefore, by representation dated 10.08.2021, the petitioner has listed the documents that he requires for purposes of providing an explanation and participating in the inquiry. The present Writ Petition is filed in the said facts and circumstances.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the documents requested for by the petitioner would be provided to him before the Panchayat Meeting is held.

5. Although the petitioner could have requested for these documents shortly after receiving the original impugned order dated 05.05.2021, the interest of justice demands that he should be provided all documents on which the authorities propose to rely upon in course of inquiry against the petitioner. Therefore, a case is made out to direct the provision of such documents to the petitioner. Needless to say, upon receipt thereof, the petitioner would be entitled to provide a further explanation on such basis. A reasonable time should be afforded to the petitioner for such purpose.

6. Therefore, by taking into consideration all the aforesaid factors, the following directions are issued:

(i). The first respondent is directed to provide the documents requested for by the petitioner under letter dated 10.08.2021 within one (1) week from the date of receipt of a copy of this order.

(ii). Upon receipt thereof, the petitioner is permitted to submit a further explanation within one (1) week of the



receipt of the aforesaid documents.

(iii). The Panchayat Meeting may be convened not less than seven (7) days after the receipt of the further explanation from the petitioner.

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7. Accordingly, W.P(MD).No.15733 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P. (MD).Nos.12682 to 12684 of 2021 are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Tsg

Note : 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 cum Inspector of Panchayat,
Virudhunagar District,
Virudhunagar.
 - 2.The Assistant Director (Panchayats),
Virudhunagar District,
Virudhunagar.
 - 3.The Block Development Officer (Village Panchayats),
Kariyapatti Panchayat Union,
Kariyapatti,
Virudhunagar District.
 - 4.The Tahsildar,
Kariyapatti Taluk,
Virudhunagar District.
- +1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-28267[F] dated 06/09/2021)
+1 CC to M/s.SPL GP (SR-28215[F] dated 06/09/2021)

W.P(MD)No.15733 of 2021
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