



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD) .No.22195 of 2021

and

W.M.P(MD)No. 18758 of 2021

M.Uma Maheswari

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Palani,
Dindigul District.

3.P.Kannammal
4.S.Srinivasan
5.D.Manimegalai
6.R.Annapoornam
7.S.K.Murugesan
8.M.Ponnuchamy
9.A.Sibahubthullah
10.Palanivel
11.A.Thirumurugan

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned show-cause notice passed by the second respondent vide his proceeding in Na.Ka.No.9012/2021/A7, dated 04.12.2021 and quash the same as illegal.

For Petitioner : Mr.C.Mayil Vahana Rajendran

For R1 & R2 : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.S.Shanmugavel
Additional Government Pleader



For R3, R4
R9 and R11

: Mr.M.Thirunavukarasu
For V.S.Kishok Kumar

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ORDER

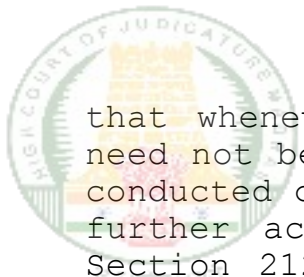
The Writ Petition has been filed in the nature of Certiorari, calling in question the show-cause notice issued by the second respondent/Revenue Divisional Officer, Palani, Dindigul District, by proceedings in Na.Ka.No.9012/2021/A7, dated 04.12.2021, to the writ petitioner M.Uma Maheswari, who stated in her affidavit that she is holding the post of Chair-Person of Gujiliyamparai Panchayat Union at Dindigul District and to set aside the same as illegal.

2.The petitioner, was the recipient of show-cause notice issued under Section 212 (3) of the Tamil Nadu Panchayat Act, 1994. In effect, a majority of the members, had given a requisition that they have no confidence in the further functioning of the petitioner and in accordance of the same, a show-cause notice has been issued to the petitioner. It is incumbent when a show-cause notice is issued that the recipient of such notice should immediately, to protect himself/herself, reply to the said show-cause notice in manner known to law and only thereafter a decision can be taken further, whether any further action is taken or not is an expect within the purview of the official, who issues the show-cause notice.

3.This Court can never come to a conclusion whether there has been necessity to issue show-cause notice or whether the petitioner has sufficient materials to answer the show-cause notice or whether the petitioner's answer should be taken at its face value and straightaway the petitioner should be deemed to be exonerated of all allegations as mentioned in the show-cause notice. They are all dependent on the explanations given by the petitioner and of course, on the subsequent deliberation by the official, who examines the show-cause notice and the explanation given and Courts normally should not interfere at the stage of show-cause notice and this point is no longer under debate.

4.The petitioner having received the show-cause notice, had raised two aspects, namely, that necessary documents have not been enclosed with the show-cause notice and one of the individuals who is said to have participated, in a meeting which led to the issuance of the show-cause notice and had later turned around and disclaimed knowledge of her signature. Whether the said individual had actually appended her signature or whether somebody else had put her signature are issues which are beyond the purview of this Court.

5.It is however claimed by the learned Additional Advocate General that the necessary documents have been given as envisaged under Section 212 (3) of the Tamil Nadu Panchayat Act. It is a fact



that whenever a show-cause notice is issued, the entire documents need not be appended at that particular stage. An enquiry alone is conducted on the basis of the explanation given to determine whether further action is to be initiated or not. Documents stated in Section 212(3) alone have to be furnished, namely, a statement of the charges. However, the learned Counsel for the petitioner is stated that further documents have to be furnished. I would rather that an opportunity is given to the petitioner to peruse the documents in the office of the Panchayat. That opportunity is granted for one particular day when the petitioner herein can examine the documents which form the basis of the show-cause notice, but the duty of the petitioner to reply to the show-cause notice remains and will have to be discharged by the petitioner herein. The Court cannot interfere at this stage.

6. Therefore, I would give the following opportunity to the petitioner, namely, opportunity to peruse the documents the petitioner wants to peruse. An obligation is placed on the second respondent to show to the petitioner the documents which form the basis which necessitated the issuance of the show-cause notice and thereafter, the petitioner should give an explanation in writing.

7. The petitioner can peruse the documents in the office of the Panchayat in the presence of the second respondent/Revenue Divisional Officer. Perusal of the documents is to take place on 17.12.2021 and reply to the show-cause notice must be given by the petitioner by 22.12.2021.

8. Thereafter, let matters proceed in manner known to law.

9. With the said observation, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

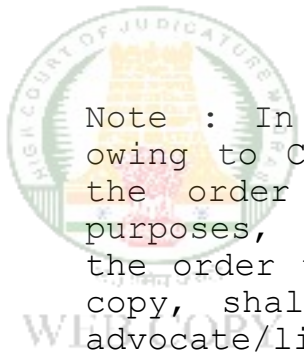
Assistant Registrar (RECORDS)

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/ /2021

Sub Assistant Registrar(CS)

lr



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,
Dindigul District, Dindigul.

2.The Revenue Divisional Officer,
Palani, Dindigul District.

1CC TO MR.C.MAYILVAHANA RAJENDRAN, ADVOCATE SR 39000
1CC TO MR.V.S.KISHORKUMAR, ADVOCATE SR38742

MGJ

16/12/2021 4P/5C

W.P (MD) .No.22195 of 2021
15.12.2021