



W.P.No.6730 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition No.6730 of 2022

1.Dhanam Thangavel
2.Ganesan
3.M.Raja
4.R.Jeeva
5.S.Sumathi
6.R.Kasturi
7.G.Raja
8.R.Manimakalai
9.M.Suresh

.. Petitioners

Vs.

1.The Inspector of Panchayats/District Collector
Salem District
Salem.

2.R.Muthuraj
President
Nagiyampatti Village Panchayat
Gengavalli Panchayat Union
Salem District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Mandamus directing the 1st respondent to



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remove the 2nd respondent herein from the post of Village Panchayat President based on the petitioner's representation/complaint dated 24.01.2022.

For Petitioners : Mr.L.P.Shanmugasundaram

For R1 : Mr.T.K.Saravanan

Government Advocate

For R2 : Mr.R.Kumaravel

Additional Government Pleader

ORDER

Writ Petition is filed for a direction to the 1st respondent to remove the 2nd respondent from the post of Village Panchayat President based on the petitioner's representation/complaint dated 24.01.2022.

2.Learned counsel appearing for the petitioners submitted that the 1st petitioner is the Vice President and petitioners 2 to 9 are ward members of Nagiyampatti Village Panchayat. The 2nd respondent is President of said Panchayat. According to the petitioners, the 2nd respondent is acting in an autocratic manner and has committed various irregular acts and misappropriated the funds of the said Panchayat. The petitioners gave a



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representation dated 24.01.2022 to the 1st respondent in Grievance Redressal

Meeting conducted on 24.01.2022. In the said representation, the petitioners have listed out irregularities, act of the commission and omission of the 2nd respondent and requested the 1st respondent to take action to remove the 2nd respondent from the post of Panchayat President. The 1st respondent has not taken any action on the 2nd respondent and hence, the petitioners have come out with the present Writ Petition.

3.Mr.T.K.Saravanan, the learned Government Advocate appearing for the 1st respondent submitted that 1st respondent on receiving representation of the petitioners, has acted on the said representation and directed the Assistant Director of Panchayat to conduct enquiry on the basis of the representation of the petitioners. In view of the direction of the 1st respondent, the Assistant Director of Panchayat conducted enquiry on 07.04.2022 and gave a report to the 1st respondent. Based on the report of the Assistant Director of the Panchayat, the 1st respondent will pass orders.

4.The learned counsel appearing for the petitioners in reply to the



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submissions of the learned Government Advocate appearing for the 1st respondent submitted that Assistant Director of Panchayat came to the Panchayat on 07.04.2022 and on that day, only nine members were available and he enquired only nine ward members and others were not available.

5.The learned Additional Government Pleader appearing for the 2nd respondent submitted that the 2nd respondent acted as per the rules and regulations. There is no irregularity on his part and has not misappropriated the funds of the Panchayat, causing loss to the Panchayat. The petitioners, with an ulterior motive, have given representation and filed Writ Petition. The allegations made by the petitioners are baseless and frivolous and prayed for dismissal of the Writ Petition.

6.Heard the learned counsel appearing for the petitioners as well as the learned Government Advocate appearing for the 1st respondent and the learned Additional Government Pleader appearing for the 2nd respondent and perused the entire materials on record.

7.From the materials on record, it is seen that the petitioners have



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requested 1st respondent to take action to remove the 2nd respondent from the post of President of Nagiyampatti Panchayat. The petitioners have listed out various irregularities alleged to have been committed by the 2nd respondent and sought for his removal from the post of President of the said Panchayat.

Section 205 of the Tamil Nadu Panchayats Act, 1994 reads as follows:

Section 205 of the Tamil Nadu Panchayats Act

“205. Removal of President.(1) The Inspector

(a) of his own motion, or

(b) on a representation in writing signed by not less than two-thirds of the sanctioned strength of the village panchayat containing a statement of charges against the president and presented in person to the Inspector by any two of the members of the village panchayat,

is satisfied that the president wilfully omits or refuses to carry out or disobeys any provision of this Act, or any rule, by-law, regulation, or lawful order made or issued under this Act or abuses any power vested in him, the Inspector shall, by notice in writing, require the president to offer within a specified date, his explanation with respect to his acts of omission or commission mentioned in the notice.

(2) If the explanation is received within the specified



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date and the Inspector considers that the explanation is satisfactory, he may drop further action with respect to the notice. If no explanation is received within the specified date or if the explanation received is in his opinion not satisfactory, he shall forward to the Tahsildar of the taluk a copy of the notice referred to in sub-section (1) and the explanation of the president if received within the specified date with a proposal for the removal of the president for ascertaining the views of the village panchayat.

(3) The Tashildar shall then convene a meeting for the consideration of the notice and the explanation, if any, and the proposal for the removal of the president, at the office of the village panchayat at a time appointed by the Tashildar.

(4) A copy of the notice of the meeting shall be caused to be delivered to the president and to all the members of the village panchayat by the Tahsildar at least seven days before the date of the meeting.

(5) The Tahsildar shall preside at the meeting convened under this section and no other person shall preside thereat. If, within half an hour appointed for the meeting, the Tahsildar is not present to preside at the meeting, the meeting shall stand adjourned to a time to be appointed and notified to the members and the president by



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the Tahsildar under subsection (6).

(6) If the Tahsildar is unable to preside at the meeting, he may, after recording his reasons in writing, adjourn the meeting to such other time as he may appoint. The date so appointed shall be not later than thirty days from the date so appointed for the meeting under subsection (3). Notice of not less than seven clear days shall be given to the members and the president of the time appointed for the adjourned meeting.

(7) Save as provided in sub-sections (5) and (6), a meeting convened for the purpose of considering the notice and the explanation, if any, and the proposal for the removal of the president under this section shall not for any reason, be adjourned.

(8) As soon as the meeting convened under this section is commenced, the Tahsildar, shall read to the village panchayat the notice of the Inspector and the explanation, if any, of the president, for the consideration of which it has been convened.

[(8A) There shall be no debate in any meeting under this Section.]

(9) The Tahsildar shall not speak on the merits of the notice or explanation nor shall he be entitled to vote at the



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meeting.

(10) The views of the village panchayat shall be duly recorded in the minutes of the meeting and a copy of the minutes shall forthwith on the termination of the meeting be forwarded by the Tahsildar to the Inspector.

(11) The Inspector may, after considering the views of the village panchayat in this regard, in his discretion either remove the president from office by notification with effect from a date to be specified therein or drop further action.

(12) The Government shall have power to cancel any notification issued under subsection (11) and may, pending a decision on such cancellation, postpone the date specified in such notification.

(13) Any person in respect of whom a notification has been issued under subsection (11) removing him from the office of president shall, unless the notification is cancelled under sub-section (12), be ineligible for election as President until the expiry of three years from the date specified in such notification as postponed by the order, if any, issued under sub-section (12).”

As per the above provision, the 1st respondent, on his own motion or on



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representation in writing given by not less than two-thirds of the sanctioned strength of the Panchayat presented in person, can take action for removal of the President. In the present case, nine ward members have given representation in person, on Grievance Redressal meeting conducted on 24.01.2022 by the 1st respondent, for removal of 2nd respondent from the post of President. The petitioners have produced the acknowledgment of the same. The 1st respondent, on receipt of representation of the petitioners, if he is satisfied on the irregularities alleged to have been committed by the 2nd respondent, can take action as per Section 205 of the Panchayats Act. The learned Government Advocate appearing for the 1st respondent submitted that enquiry was conducted and based on the report of the Assistant Director of Panchayat, the 1st respondent will pass orders.

8.Considering the above materials, the 1st respondent is directed to consider the representation of the petitioners dated 24.01.2022 and proceed as per the provisions of Section 205 of the Panchayats Act, within a period of four weeks from the date of receipt of a copy of this order.

9.With the above direction, the Writ Petition is disposed of. No costs.



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Index : Yes / No

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Note:Registry is directed to issue certified copy of this order after the requisite Court fee is paid for each of the petitioners.

To

The Inspector of Panchayats/District Collector
Salem District
Salem.

V.M.VELUMANI, J.,

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