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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.05.2022

CORAM :

THE HON'BLE MR. JUSTICE R. MAHADEVAN

W.P.No.12045 of 2022

and

W.M.P.No.11469 of 2022

D.Poornima Rangarajan

..Petitioner

Vs

1.The District Collector/
Inspector of Panchayats,
Coimbatore District,
Coimbatore.

2.The Assistant Director of Panchayat,
Coimbatore District.

3.The Assistant Director of
Rural Development (Audit),
Coimbatore District.

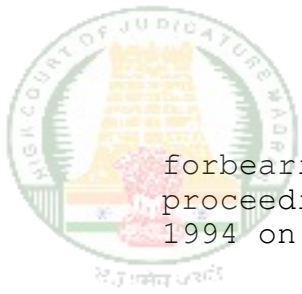
4.The Block Development Officer (VP),
Karamadai Panchayat Union,
Mettupalayam Taluk,
Coimbatore District.

5.The Zonal Deputy Block
Development Officer,
Karamadai Panchayat Union,
Mettupalayam Taluk,
Coimbatore District.

6.The Deputy Block Development
Officer (Audit),
Karamadai Panchayat Union,
Mettupalayam Taluk,
Coimbatore District.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records of 1st respondent's impugned order of proceedings dated 18.04.2022, vide proceedings Na.Ka.No.2574/2021/A3, quash the same and consequently



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forbearing the respondents from in any manner holding any proceedings under Section 205 of the Tamil Nadu Panchayat Act, 1994 on the basis of the impugned proceedings.

For Petitioner : Mr.V.R.Kamalanathan

For Respondents : Mr.S.Prabakaran,
Government Advocate

ORDER

Seeking to quash the proceedings of the first respondent dated 18.04.2022 and consequently forbear the respondents from in any manner holding any proceedings under Section 205 of the Tamil Nadu Panchayat Act, 1994, the petitioner has come up with this writ petition.

2. According to the petitioner, she has been elected as Panchayat President of Marudur Village, Karamadai Panchayat Union, Mettupalayam Taluk, Coimbatore District on 06.01.2020 and has been discharging her duties diligently to the general public as per law. However, the rival candidates, who had lost the election, have attempted to give pinpricks and troubles to the petitioner in the administration of the Panchayat and one such attempts is made complaining against her, based on which, the first respondent issued a show cause notice dated 18.04.2022 to the petitioner under section 205 of the Tamil Nadu Panchayat Act, alleging as many as 10 charges, pursuant to the audit report of the Assistant Director of Rural Development dated 21.03.2022 bearing No.Na.Ka.1163/2018/A4. Upon receipt of the same, she duly submitted her reply on 27.04.2022. However, stating that the allegations raised in the said notice are baseless and without any proper reason; and the first respondent without following the requirements as mandate under the provisions of the Tamil Nadu Panchayat Act, has simply issued the notice to the petitioner, which is arbitrary, illegal and in violation of the principles of natural justice, the petitioner has come up with this writ petition for the aforesaid relief.

3.It is the specific submission of the learned counsel for the petitioner that without furnishing the copies of the documents, such as, complaint, audit report, etc., the first respondent raised various allegations and issued the impugned notice to the petitioner, calling upon her to explain the same, which is arbitrary and against the provisions of law. Though the petitioner sought for the documents referred to in the impugned notice, the same were not provided to her till date. Therefore, the learned counsel confined the relief sought in this writ petition and submitted that it would suffice, if a direction is issued to the first respondent to furnish the audit report dated



21.03.2022, based on which, the impugned notice came to be issued to the petitioner, so as to enable her to defend the charges framed against her.

4. On the other hand, the learned Government Advocate taking notice for the respondents fairly submitted that the copies of the documents requested by the petitioner through her letter dated 27.04.2022, would be furnished to her, at the earliest.

5. Considering the limited relief now sought by the learned counsel for the petitioner, which has been agreed upon by the learned Government Advocate appearing for the respondents, this court, without going into the merits of the case, directs the respondent authorities to furnish the copies of the audit report / complaint to the petitioner, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the petitioner shall submit her explanation to the notice impugned herein, within a period of two weeks. Thereafter, the respondent authorities shall proceed further in accordance with law. Till the petitioner's filing of her explanation to the impugned notice, the respondent authorities shall keep all further proceedings in abeyance.

6. With the above directions, the writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

hvk

To

1. The District Collector/Inspector of Panchayats,
Coimbatore District, Coimbatore.
2. The Assistant Director of Panchayat,
Coimbatore District.
3. The Assistant Director of
Rural Development (Audit),
Coimbatore District.
4. The Block Development Officer (VP),
Karamadai Panchayat Union,
Mettupalayam Taluk,
Coimbatore District.



5.The Zonal Deputy Block
Development Officer,
Karamadai Panchayat Union,
Mettupalayam Taluk,
Coimbatore District.

6.The Deputy Block Development
Officer (Audit),
Karamadai Panchayat Union,
Mettupalayam Taluk,
Coimbatore District.

+1cc to Mr.V.R.Kamalanathan, Advocate, S.R.No.31173
+1cc to the Government Pleader, S.R.No.31313

W.P.No.12045 of 2022

JPL (CO)
SB(02/06/2022)