



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.1168 of 2022

and

W.M.P. (MD) .No.1000 of 2022

K.Punitharani

... Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The Revenue Divisional Officer,
Musiri,
Trichy District.

3.S.Krishnaveni

4.K.Balasubramanian

...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 relating to the impugned notice issued by the second respondent in his proceedings Na.Ka.A6-6613-21 dated 11.01.2022 and quash the same as illegal, arbitrary, without jurisdiction and in violation of provisions of the Tamil Nadu Panchayats Act, 1994.

For Petitioner	:	Mr.B.Saravanan
For R-1 and R-2	:	Mr.R.Baskaran, Additional Advocate General, Assisted by Mr.D.Ghandiraj, Special Government Pleader.

ORDER

Heard Mr.B.Saravanan, learned counsel for the petitioner and Mr.R.Baskaran, learned Additional Advocate General, assisted by Mr.D.Ghandiraj, learned Special Government Pleader, who takes notice for the first and second respondents.

2. The Writ Petition is totally unwarranted. It has been filed in the nature of Certiorari seeking records relating to a notice issued by the second respondent / the Revenue



Divisional Officer, Musiri, Trichy District in proceedings in Na.Ka.A6-6613-21 dated 11.01.2022 and to interfere with the same.

3. The original notice had been filed along with the Writ Petition. The said notice, actually calls upon the petitioner to give her explanations with respect to various statements of allegations raised by 14 members out of 19 ward members. The requirement of 3/5th strength is satisfied by the number of members who presented the said statement of allegations as against the petitioner.

4. The contention of the learned counsel for the petitioner is that there is no conformity in letter and spirit to Section 212 (2) and (3) of the Tamil Nadu Panchayats Act, 1994.

Section 212 (2) and (3) of the said Act are as follows:

"(2) Written notice of intention to make the motion, signed by members of the panchayat union council not less in number than three-fifth of the sanctioned strength of the panchayat union council, together with a copy of the motion which is proposed to be made and a written statement of the charges against the vice-chairman shall be delivered in person to the Revenue Divisional Officer of the division by any two of the members of the panchayat union council signing the notice.

(3) A copy of the statement of charges along with the motion shall be caused to be delivered to the concerned vice-chairman by the Revenue Divisional Officer and the vice chairman shall be required to give a statement in reply to the charges within a week of the receipt of the motion by the vice-chairman."

5. So far as the petitioner is concerned, she is the Chairman of Thottiyam Panchayat Union Council. She claims that she has assumed office on 11.01.2020. The said Panchayat Union Council has 19 members including the Chairman and the Vice Chairman. However, circumstances arose, wherein on 06.12.2021, 14 members had addressed a letter to the second respondent claiming that they have lost confidence in the functioning of the petitioner herein and that a motion of no confidence is proposed to be moved against the petitioner herein. That had been followed up by another letter dated 15.12.2021 to the first respondent / the District Collector, Trichy District, wherein, a statement of allegations had been made. On receipt of both these letters, the second respondent had forwarded copies of both of them to the petitioner seeking the explanation of the petitioner.



6. The petitioner has a choice. Either she may give her explanation or she may not give her explanation. I am not on that particular aspect. Mr.B.Saravanan, learned counsel for the petitioner stated that even if an explanation is given, the second respondent would convene a meeting for the consideration of the motion. It must be kept in mind that convening a meeting is on the request of 14 ward members / Council members. They had sought that a meeting to move no confidence motion should be convened. The second respondent is only a facilitator to organize such a meeting to be conducted. He has not, *suo motu* on his own accord, called for a meeting relating to the no confidence motion. He is only executing the wish of the 14 members who complained that for various reasons, the petitioner is not functioning to their expectations. They would like to pass a no confidence motion against the petitioner herein.

7. The other aspect is as to whether a copy of the statement of charges had been delivered in person to the Revenue Divisional Officer and whether written statement of charges had also been given, as contemplated under Section 212 of the said Act. These are issues of fact which only the records can explain. If the petitioner gives an explanation, then, she has to face the meeting and then, further proceedings will have to proceed in manner known to law. But, in the first place, an obligation is placed on the petitioner to explain the charges. At this stage, interference by the Court would be extremely inappropriate. It is also seen that Thottiyam Panchayat Union Council has not been made a party to the Writ Petition.

8. Accordingly, this Writ Petition is dismissed at the stage of admission. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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,
Trichy District,
Trichy.

2.The Revenue Divisional Officer,
Musiri,
Trichy District.

+1 CC to M/s.B.SARAVANAN, Advocate (SR-2947[F] dated 28/01/2022)

**W.P. (MD) .No.1168 of 2022
27.01.2022**

nsn(CO)
TR(11.02.2022) 4P 4C