



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. [MD] No. 4232 of 2022

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K. Anburaja

... Petitioner

Vs.

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

2. The Assistant Director of Panchayats,
Pudukkottai District,
Pudukkottai.

3. The Block Development Officer
(Village Panchayats),
Arimalam Block,
Pudukkottai District.

4. PL. Rajamanickam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to appoint the senior most member of Ayingudi Panchayat, Pudukkottai District to exercise the cheque power along with the petitioner, as per Tamil Nadu Panchayat Act, based on the petitioner's representation dated 03.03.2022 made to the respondents 1 to 3.

For Petitioner : Mr. V. Pavel, Advocate

For Respondents 1&2 : Mr. D. Sasikumar
Additional Government Pleader

For Respondent No. 3 : Mr. A. K. Manikkam, Advocate

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to appoint the senior most member of Ayingudi Panchayat, Pudukkottai District to exercise the cheque signing power along with the petitioner, as per the



provisions of the Tamil Nadu Panchayat Act, based on the petitioner's representation dated 03.03.2022 within a time frame to be fixed by this Court.

2. The case of the petitioner is that the fourth respondent is the President of Ayingudi Panchayat, Pudukkottai District, against whom criminal charges have been levelled and he is presently under arrest and put up at Sub Jail, Thanjavur. According to the petitioner, as the President of the Panchayat who was having the cheque signing power is in prison, the bank accounts of the Panchayat could not be operated. In such circumstances, the petitioner who is the Vice President of the very same Panchayat has given a representation dated 03.03.2022 to the first respondent requesting him to appoint the senior most member of Ayingudi Panchayat, Pudukkottai District to exercise the cheque signing power along with the petitioner as per the provisions of the Tamil Nadu Panchayat Act. Since the said representation has not been considered till date, the petitioner has filed this writ petition.

3. Heard Mr.V.Pavel, learned Counsel for the writ petitioner, Mr.D.Sasikumar, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 & 2 and Mr.A.K.Manikkam, learned Counsel who accepts notice on behalf of the third respondent.

4. No prejudice would be caused to the respondents if the petitioner's representation referred to supra is considered on merits and in accordance with law after affording a fair hearing to the petitioner and other necessary parties whom the first respondent deems fit to enquire.

5. Admittedly, the fourth respondent is in prison and he is the President of the Panchayat. Earlier, the fourth respondent being the Panchayat President was having the cheque signing power in respect of the Panchayat. Since the fourth respondent is inside prison, an alternate arrangement has to be made.

6. For the foregoing reasons, this Court directs the first respondent to consider the petitioner's representation dated 03.03.2022 requesting the first respondent to appoint the senior most member of Ayingudi Panchayat, Pudukkottai District to exercise the cheque signing power along with the petitioner as per the provisions of the Tamil Nadu Panchayat Act and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and other necessary parties whom the first respondent deems fit to enquire within a period of eight [8] weeks from the date of receipt of a copy of this order.



7. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar

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// True Copy //

/ /2022
Sub Assistant Registrar(CS)

MR

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 /
Inspector of Panchayats,
Pudukkottai District,
Pudukkottai.
 2. The Assistant Director of Panchayats,
Pudukkottai District,
Pudukkottai.
 3. The Block Development Officer
(Village Panchayats),
Arimalam Block,
Pudukkottai District.
- +1 CC to M/s.SPL Government Pleader
(SR-11577[F] dated 11/03/2022)
- +1 CC to M/s.V.PAVEL, Advocate
(SR-11957[F] dated 14/03/2022)

ORDER MADE IN
W.P.[MD]No.4232 of 2022
10.03.2022