



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**W.A(MD)No.213 of 2022
and
C.M.P(MD)No.2021 of 2022**

K.Punitharani

:Appellant/Petitioner

.vs.

1.The District Collector,
Trichy District,
Trichy.

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

3.S.Krishnaveni

4.K.Balasubramanian : Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order passed in W.P(MD).No.1168 of 2022, dated 27.01.2022 and dismiss the same.

Prayer in WP(MD). 1168 of 2022 :

Writ Petition is 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 2nd 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 R1 & R2 : Mr.J.Ashok

Additional Government Pleader

**J U D G E M E N T****R. SUBRAMANIAN, J****AND****N. SATHISH KUMAR, J**

The appellant challenges the order of the writ Court dismissing the writ petition filed by her challenging the notice issued by the Revenue Divisional Officer under Section 212(2) of the Tamil Nadu Panchayats Act, 1994.

2. The petitioner is an elected President of Thottiyam Panchayat Union. Two of the ward members sent a letter to the Revenue Divisional Officer on 06.12.2021 seeking convening of a meeting of the Panchayat to enable them to move the no confidence motion against the President/appellant herein. The said request was signed by 14 members of Panchayat Union which consists of 18 members. The Revenue Divisional Officer by his proceedings, dated 11.01.2022 issued a notice to the petitioner seeking her explanation on the charges that has been levied by the councilors. This notice was challenged in the writ petition.

3. The main contention of the petitioner was that the memorandum of charge was not sent along with the notice, which is mandatory under Sub Section 8 of Section 212 of the Tamil Nadu Panchayats Act. The writ Court came to the conclusion that it is a matter of record and even in the notice, dated 11.01.2022 it has been observed that the memorandum of charge has been served on the petitioner. On the above conclusion, the writ Court dismissed the writ petition.

4. Mr.B.Saravanan, learned counsel appearing for the appellant would vehemently contend that there is intrinsic material to show that the notice was not sent with the memorandum of charges. He would draw our attention to the memorandum of charge, dated 15.12.2021 and contend that the letter dated 06.12.2021 seeking to convene a meeting of the Panchayat to enable the councilors to move no confidence motion was not accompanied by the memorandum of charge which was required under section 212(2) of the Tamil Nadu Panchayats Act and hence, there is a statutory non-compliance.

5. We do not think that this ground alone could be sufficient for us to interfere under the writ jurisdiction. Section 212(2) requires two of the councilors to give a requisition for meeting along with memorandum of charge. The letter dated 06.12.2021 states that the memorandum of charge has been annexed to it. The memorandum of charge has also been forwarded to the District Collector on 15.12.2021. The impugned notice, dated 11.01.2022 also states that the memorandum of charge has been sent to the



petitioner. It is not the case of the petitioner that he has not received the memorandum of charge. The memorandum of charge is dated 15.12.2021 and not 06.12.2021 and therefore, there is no statutory non-compliance. We are unable to agree with the contention of the learned counsel for the appellant. The object of 212 is only to give an opportunity to the petitioner to appraise her of all the charges which are levelled against him. There is substantial compliance of Section 212 of the Tamil Nadu Panchayats Act. Therefore, the writ appeal fails and it is accordingly dismissed. It is open to the appellant to raise all the issues relating to any statutory non-compliance while the motion is challenged by them. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

am

To

1.The District Collector,
Trichy District,
Trichy.

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

+1 CC to M/s.SPL GP (SR-11562[F] dated 11/03/2022)

+1 CC to M/s.B.SARAVANAN, Advocate (SR-11469[F] dated 11/03/2022)

W.A(MD)No.213 of 2022

10.03.2022

ss (CO)

TR(28.03.2022) 3P 5C