



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.4246 of 2022

and W.M.P. (MD) .No.3629 of 2022

WEB COPY

S.Meenatchi

.. Petitioner

Vs

1.The District Collector,
Dindigul District.

2.The Assistant Project Officer (DRDA),
District Rural Development Agency,
Dindigul.

3.The Assistant Director (Panchayat),
Dindigul.

4.The Block Development Officer,
Batlagundu Panchayat Union,
Batlagundu, Dindigul District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records from the 2nd respondent the Assistant Project Officer (DRDA), Dindigul and quash the memo, dated 01.03.2022, impugned Na.Ka.No.1613/2022/A1, issued by him.

For Petitioner : Mr.K.Surendran

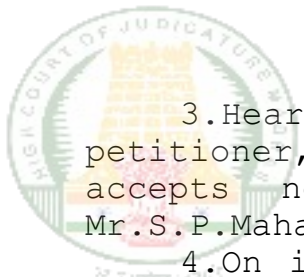
For Respondents : Mr.T.Amjad Khan for R1 to R3
Government Advocate

Mr.S.P.Maharajan, for R4

ORDER

This writ petition has been filed challenging the memo, dated 01.03.2022, issued by the second respondent, calling upon the petitioner to come for enquiry on 07.03.2022, in respect of the alleged irregularities made against the petitioner, who is a Panchayat President.

2.The petitioner has challenged the memo on the ground that the procedure contemplated under Section 205 of the Tamil Nadu Panchayat Act, 1994, seeking for removal of President has not been followed under the impugned memo.



3.Heard Mr.K.Surendran, learned counsel appearing for the petitioner, Mr.T.Amjad Khan, learned Government Advocate, who accepts notice on behalf of the respondents 1 to 3 and Mr.S.P.Maharajan, learned counsel for the respondent No.4.

4.On instructions, the respective counsels for the respondents would submit that till date no proceedings have been initiated against the petitioner under Sections 205 and 206 of the Tamil Nadu Panchayat Act, 1994 and under the impugned memo, an Enquiry Officer has only been appointed to enquire into the alleged irregularities committed by the petitioner. The said statement is recorded. Both of them submit that only after final report is received from the Enquiry Officer, finding the petitioner guilty, the proceedings under Section 205 of the Tamil Nadu Panchayat Act, 1994 will be initiated against the petitioner. The said statement is also recorded.

5.The apprehension of the petitioner that already Section 205 of the Tamil Nadu Panchayat Act, 1994, has been initiated to remove her as Panchayat President, is now uncalled for, in view of the statement made by the respondents' counsels. Only when the respondents initiate action against the petitioner under Sections 205 and 206 of the Tamil Nadu Panchayats Act, 1994, as per the procedure contemplated therein, the petitioner can challenge the same in the manner known to her under law. The petitioner has therefore, approached this Court, prematurely, even before proceedings have been initiated against the petitioner under Sections 205 & 206 of the Tamil Nadu Panchayat Act, 1994, as per the Procedure contemplated therein. The impugned memo is only an enquiry proceedings prior to initiation of action contemplated by the respondents under Sections 205 and 206 of the Tamil Nadu Panchayat Acts, 1994. If the petitioner is found guilty of the alleged irregularities, subsequent to the conclusion of the enquiry proceedings, it is for the petitioner to submit her explanation and participate in the enquiry proceedings as per the impugned memo in order to establish her innocence.

6.For the forgoing reasons, since the petitioner has approached this Court, prematurely, this writ petition is disposed of by granting liberty to the petitioner to participate in the impugned enquiry proceedings by giving her written explanation in order to prove her innocence in respect of the alleged irregularities. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD II)

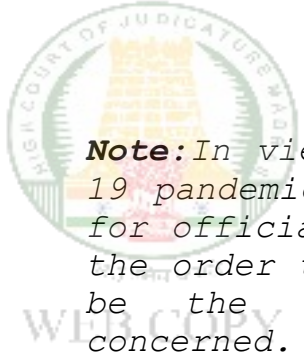
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/ /2022

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



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,
Dindigul District.
- 2.The Assistant Project Officer (DRDA),
District Rural Development Agency,
Dindigul.
- 3.The Assistant Director (Panchayat),
Dindigul.

+1 CC to M/s.S.P.MAHARAJAN,Advocate(SR-11384[F] dated 11/03/2022)

+1 CC to M/s.SPL GP (SR-11803[F] dated 14/03/2022)

W.P. (MD)No.4246 of 2022
10.03.2022

MGJ(23.03.2022) 3P 6C