



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.5397 of 2022

and

W.M.P.[MD]No.4390 of 2022

L.Manimekalai

... Petitioner

Vs.

1.The District Collector cum Inspector of Panchayats,
Collector Office,
Trichy, Trichy District.

2.The Block Development Officer (Village Panchayats),
Andhanallur Block Development Office,
Andhanallur,
Trichy District.

3.A.Kiruthika
President of Perugamani Panchayat,
Andhanallur Block,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned order dated 26.08.2021 in Na.Ka.No.A3/2601/2021 passed by the first respondent and quash the same so far as the petitioner is concerned.

For Petitioner	: Mr.B.Rajesh Saravanan
For Respondent No.1	: Mr.D.Sasikumar Additional Government Pleader
For Respondent No.2	: Mr.G.V.Vairam Santhosh Additional Government Pleader

O R D E R

This writ petition has been filed challenging the order dated 26.08.2021 passed by the first respondent removing the cheque

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signing authority of the petitioner as well as the third respondent.

2.The petitioner is the Vice President and the third respondent is the President of Perugamani Panchayat, Andhanallur Block, Trichy District. Based on the complaint given by the petitioner and other ward members falling under Perugamani Panchayat against the third respondent for the alleged financial irregularities, the impugned order came to be passed. The contention of the petitioner in this writ petition is that though no financial irregularities are found against the petitioner, the cheque signing power of the petitioner has also been removed under the impugned order. According to the petitioner, the impugned order is arbitrary and illegal insofar as the petitioner is concerned. In such circumstances, this writ petition has been filed.

3.Heard Mr.B.Rajesh Saravanan, learned Counsel appearing for the writ petitioner, Mr.D.Sasikumar, learned Additional Government Pleader who accepts notice on behalf of the first respondent and Mr.G.V.Vairam Santhosh, learned Additional Government Pleader who accepts notice on behalf of the second respondent.

4.On instructions, learned Additional Government Pleader would submit that if the petitioner gives a representation requesting for cheque signing power on behalf of the Perugamani Panchayat to the first respondent, the same shall be considered on merits and in accordance with law.

5.Admittedly, as seen from the impugned order, only based upon the complaint given by the petitioner who is the Vice President of the Panchayat along with other ward members, legal action has been initiated against the third respondent, who is the President of the Panchayat. However, under the impugned order the cheque signing power of the third respondent as well as the petitioner has been removed though there are no financial irregularities committed by the petitioner. The grievance of the petitioner in this writ petition is that though she has not committed any financial irregularities, she has been arbitrarily deprived of her cheque signing power.

6.Section 188(3) of the Tamil Nadu Panchayat Act, 1994 reads as follows:

' 188.Village Panchayat Fund.-(1).....

(3) Subject to such general control as the Village Panchayat may exercise from time to time, all cheques for payment from Village Panchayat Fund shall be signed jointly by the President and Vice-President and in the absence of the President or Vice-President, as the case may be, by the Vice-President or the President and another member



authorised by the Village Panchayat at a meeting in this behalf.'

7.It is the contention of the learned Additional Government Pleader for the official respondents that there cannot be a vacuum with regard to the utilisation of the panchayat funds and only under those circumstances, the petitioner's cheque signing power has been removed and has now been given to the Block Development Officer, the second respondent herein. According to him, the petitioner who is the Vice President of the Panchayat does not have the cheque signing authority and she can sign the cheque as per Section 188(3) only along with another authorised member of the Village Panchayat and only under those circumstances, the impugned order has been passed against the petitioner also removing her power of signing the cheques on behalf of the panchayat. He would also submit that the petitioner can give a representation to the District Collector requesting the District Collector to grant her cheque signing authority along with another member authorised by the village panchayat in terms of Section 188(3) of the Tamil Nadu Panchayat Act, 1994.

8.Learned Counsel for the petitioner on instructions is also agreeable to the submissions made by the learned Additional Government Pleader for the respondents. However, he would submit that the petitioner's representation will have to be considered within a time frame since the petitioner's image has been tarnished by the public by the issuance of the impugned order for no fault of hers.

9.No prejudice would be caused to the respondents if the petitioner's representation requesting the District Collector for giving her the cheque signing powers on behalf of the panchayat is considered on merits and in accordance with law after affording a fair hearing to the petitioner including granting her the right of personal hearing.

10.Accordingly this Court directs the petitioner to submit a representation to the first respondent requesting the first respondent to give her cheque signing powers on behalf of Perugamani Panchayat, Andhanallur Block, Trichy District, in terms of Section 188(3) of the Act, within a period of one [1] week from the date of receipt of a copy of this order. On receipt of the said representation, the first respondent shall pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner including granting her the right of personal hearing within a period of four [4] weeks thereafter.



11.With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (AD II)

/ /2022

Sub Assistant Registrar(CS)

MR

To

1.The District Collector cum Inspector of Panchayats,
Collector Office,
Trichy, Trichy District.

2.The Block Development Officer (Village Panchayats),
Andhanallur Block Development Office,
Andhanallur,
Trichy District.

+1 CC to M/s.SPL GP (SR-15087[F] dated 29/03/2022)

+1 CC to M/s.B.RAJESH SARAVANAN, Advocate (SR-15266[F] dated
30/03/2022)

ORDER MADE IN
W.P. [MD]No.5397 of 2022
28.03.2022

ARK (CO)

PA(07.04.2022) 4P 5C