



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.6528 of 2022

and W.M.P. (MD) .Nos.5072 & 5073 of 2022

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S.Manikandan

.. Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Department of Rural Development and Panchayat Raj,
Fort St. George, Chennai.
- 2.The District Collector,
District Collectorate,
Trichy, Trichy District.
- 3.The Assistant Director (Village Panchayat),
District Collectorate,
Trichy, Trichy District.
- 4.The Vengur Village Panchayat,
Rep. by its President,
Thiruverumbur Panchayat Union,
Trichy District.

5.R.Anuradha

6.S.Shobana

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent No.2 to cancel the Resolution of the 4th respondent Panchayat, dated 05.01.2022, by resorting to the procedure contemplated under section 202 of the Tamilnadu Panchayat Act 1994, within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.D.Sasikumar for R1 to R3
Additional Government Pleader

Mrs.S.Jeyapriya for R4
Government Advocate

ORDER

This writ petition has been filed for a Mandamus, seeking for a direction to the second respondent to cancel the resolution of the fourth respondent panchayat, dated 05.01.2022, resorting to the



procedure contemplated under Section 202 of the Tamil Nadu Panchayat Act, 1994, within a time frame to be fixed by this Court.

2. According to the petitioner, his resignation of Panchayat President was forcibly obtained on 05.01.2022 and on the very same date, a resolution was passed by the Panchayat accepting his resignation. Therefore, he has submitted a petition under section 202 of the Tamil Nadu Panchayat Act, 1994, on 14.03.2022, which was followed by another representation dated 29.03.2022, seeking for cancellation of the resolution, dated 05.01.2022, passed by the fourth respondent approving his resignation. Since the representations have not been considered till date, the petitioner has filed this writ petition.

3. Heard Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner, Mr.D.Sasikumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 3 and Mrs.S.Jeyapriya, learned Government Advocate, who accepts notice on behalf of the fourth respondent.

4. The District Collector is having the authority to sustain or cancel any resolution passed by the Panchayat as per Provisions of Section 202 of the Tamil Nadu Panchayat Act, 1994. The petitioner claims that illegally the resolution has been passed on 05.01.2022, by the fourth respondent Panchayat accepting the petitioner's resignation as a Panchayat President. According to him, he was forcibly made to sign the resignation letter on 05.01.2022. The petitioner has submitted a representation under Section 202 of the Tamil Nadu Panchayat Act, 1994, seeking for cancellation of the resolution passed by the fourth respondent on 05.01.2022. The representations were given on 14.03.2022 and 29.03.2022. Admittedly, the said representation have not been considered till date.

5. No prejudice will be caused to the respondents, if the representations are considered on merits and in accordance with law, after affording a fair hearing to the petitioner and the respondents 5 and 6.

6. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representations, dated 14.03.2022 and 29.03.2022, submitted under Section 202 of the Tamil Nadu Panchayat Act, seeking for cancellation of the resolution, dated 05.01.2022, passed by the fourth respondent approving the petitioner's resignation as Panchayat President and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner as well as the respondents 5 and 6, including granting them the right of personal hearing, within a period of three months from the date of receipt of a copy of this order.



7. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS I)

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Sub Assistant Registrar(CS)

TM

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 Principal Secretary, State of Tamil Nadu,
Department of Rural Development and Panchayat Raj,
Fort St. George,
Chennai.

2. The District Collector,
District Collectorate,
Trichy, Trichy District.

3. The Assistant Director (Village Panchayat),
District Collectorate, Trichy, Trichy District.

4. The President, Vengur Village Panchayat,
Thiruverumbur Panchayat Union,
Trichy District.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-18025[F] dated 12/04/2022)

+1 CC to M/s.SPL.GP (SR-17900[F] dated 11/04/2022)

W.P. (MD)No.6528 of 2022

08.04.2022

MGJ(21.04.2022) 3P 7C