



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.05.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.10157 of 2022

and

W.M.P.No.7211 of 2022

M.Selvarani

.. Petitioner

Vs

1.The Inspector of Panchayat/District Collector,
Collectorate Campus,
Dindigul,
Dindigul District.

2.The Tahsildar,
O/o.the Tahsildar,
Dindigul,
Dindigul District.

3.The Block Development Officer(Village Panchayat),
Thoppampatty Panchatay Union,
Palani Taluk,
Dindigul District.

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for records relating to the impugned notice issued by the second respondent in his proceedings in Na.Ka.No.3978/2022/A1 daed 13.05.2022 and quash the same as illegal and consequently to forbear the second respondent from convening the meeting for ascertaining the views of the Village Panchayat Council without forming any opinion on the explanation submitted by the petitioner on 23.04.2022 in terms of Section 205(2) of the Tamil Nadu Panchayats Act within the period may be stipulated by this Court.

For Petitioner

: Mr.Ajmal Khan
Senior Counsel
or Mr.C.Venkatesh Kumar
: Mr.Veera Kathiravan
Additional Advocate General
Assisted by
Mr.S.Kameswaran
Government Advocate
: Mr.P.Thambithurai
Government Advocate

For R1 and R2

For R3



ORDER

This Writ Petition has been filed challenging the impugned notice dated 13.05.2022 issued under Section 205 (3) of Tamil Nadu Panchayats Act, 1994, against the petitioner.

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2.The petitioner is a Panchayat President. The respondents had issued the show cause notice as per the provisions of Section 205(2) of Tamil Nadu Panchayats Act, 1994, against her for her removal. Thereafter, the impugned notice has been issued under Section 205(3) of the said Act on receipt of the explanation from the petitioner.

3.The petitioner has challenged the impugned notice on the ground that no objective satisfaction has been recorded by the District Collector for referring the matter to the Tahsildar for issuing the impugned notice on receipt of the explanation from the petitioner. According to the petitioner, it is mandatory that the District Collector must have objective satisfaction that the explanation submitted by the petitioner is unsatisfactory and only thereafter, can refer the matter to the Tahsildar for issuing the impugned notice.

4.The learned Senior Counsel appearing for the petitioner drew the attention of this Court to various authorities, which are detailed hereunder:

(a) a learned Single Bench decision of this Court in the case of **P.Packiyam Vs.The Inspector of Panchayat/The District Collector** reported in **2013(1) CWC 797**.

(b) a decision rendered by me on 28.02.2022 in **WP (MD) No.3652 of 2022** in the case of **A.Lakshmi Azhkapuriyan vs The District Collector and others**. In the said decision, various decisions of the Hon'ble Supreme Court and Full Bench of this Court has been considered and only thereafter, it has been held that the power under Sub-Section (2) of Section 205 of the said Act to summon the Village Panchayat for ascertaining the views of the members can be exercised only on forming an opinion on the existence of circumstances suggesting unsatisfactory nature of explanation. It has also been held that reasons will have to be given by the District Collector for referring the matter to the Tahsildar under Sub-Section (3) of Section 205.

5.In the case on hand, the petitioner has not been intimated the reasons for rejecting her explanation by the District Collector. Without furnishing the reasons, the District Collector has referred the matter to the Tahsildar, who has issued the impugned notice.

6.Since the procedure contemplated under Section 205(2) of Tamil Nadu Panchayats Act, 1994, has not been followed, the impugned

notice issued by the Tahsildar has to be necessarily quashed. Accordingly, this Writ Petition is allowed and the impugned notice issued by the second respondent is hereby quashed. However, liberty is granted to the respondents, if so advised, to proceed against the petitioner by following the procedure contemplated under Section 205 (2) of Tamil Nadu Panchayats Act, 1994 from the stage of section 205 (3) of the Act. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Vacation Officer/
Assistant Registrar(CS III)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

vsg/csm

To:

- 1.The Inspector of Panchayat/District Collector,
Collectorate Campus,
Dindigul,
Dindigul District.
- 2.The Tahsildar,
O/o.the Tahsildar,
Dindigul,
Dindigul District.
- 3.The Block Development Officer(Village Panchayat),
Thoppampatty Panchayat Union,
Palani Taluk,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.SPL.GP (SR-24096[F], SR-24090[F] & SR-24101[F]dated
23/05/2022)

W.P. (MD)No.10157 of 2022
and
W.M.P.No.7211 of 2022
20.05.2022

MGJ(27.05.2022) 3P 6C