



W.P(MD)No.11585 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11585 of 2022

and

W.M.P.(MD)No.8188 of 2022

U.Vigneshwaran

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Trichy District,
Trichy.

2.The Block Development Officer,
(Village Panchayat),
Andhanallur Panchayat Union,
Trichy District.

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

4.A.Prasanna Samundeeswari

... Respondents

*(R4 is impleaded vide order dated 08.07.2022
in W.M.P.(MD)No.9763 of 2022 in
W.P.(MD)No.11585 of 2022 by GRSJ)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings issued by the 1st respondent in



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Se.Mu.No.A9/480/2022/Vu.E.(Voo) dated 17.02.2022 and consequential proceedings issued by the 2nd respondent in Na.Ka.B4/0661/2022 dated 28.02.2022 and quash the same and consequently direct the respondents to provide the petitioner's power of maintaining bank accounts and signing the cheques in the Malliyampathu Panchayat, Anthanalur Panchayat Union, Trichy District.

For Petitioner : Mr.N.R.Murugan

For Respondents : Mr.R.Baskaran,
Additional Advocate General
Assisted by Mr.K.Balasubramani,
Spl. Government Pleader for R1 to R3.

Mr.S.Venkatesan for R4

ORDER

Heard the learned counsel for the writ petitioner, the learned Advocate General for the respondents 1 to 3 and the learned counsel for the fourth respondent.

2.The petitioner is the president of Malliyampathu panchayat. By the impugned order, his cheque signing power has been taken off. The Hon'ble First Bench of this Court in the decision reported in **2005 (1) CTC 545 (Pugazhendran V. B.G.Balu and Others)** had held as follows:-



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“31. The District Collector, Vellore should have given a show cause notice and an opportunity of hearing to the Vice President (which need not have been a personal hearing as already stated above), and after considering the explanation and other materials submitted by the Vice President, he should have applied his mind independently and in a fair and impartial manner, and should have recorded his own reasons in the order he passed. Since that does not appear to have been done in the order of the District Collector, Vellore dated 07.11.2002, in our opinion, the said order was rightly quashed. The matter is remanded to the District Collector, Vellore to pass a fresh order after giving an opportunity of hearing to the Vice President and President of the Panchayat, and others concerned, and after recording his reasons. This should be done very expeditiously by the District Collector, Vellore.”

3. In this case, the procedure set out above has not been complied with. On this sole ground the impugned order is quashed and the writ petition is allowed. It is open to the first respondent to pass order afresh in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

08.07.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

To:

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Collectorate,
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Trichy.
- 2.The Block Development Officer,
(Village Panchayat),
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- 3.The Assistant Director (Panchayat),
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(2/2)