



WEB COPY

W.P.(MD)/



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.11837 of 2022

and

W.M.P (MD) No.8416 of 2022

S.Kirubavathi

... Petitioner

Vs

1.The District Collector /
Inspector of Panchayats,
Karur District, Karur.

2.The Assistant Director of Panchayats,
(Rural Development)
Karur District, Karur.

3.The Block Development Officer,
(Village Panchayat),
Kathapparai Panchayat,
Karur Panchayat Union, Karur.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records related to the order passed by the first respondent made in Na.Ka.No.A3/488/2021 dated 13.12.2021 and quash the same as illegal and consequently, to direct the first respondent, permit the petitioner to function as Panchayat President of the Kathapparai Village Panchayat within the Karur Panchayat Union in Karur District.

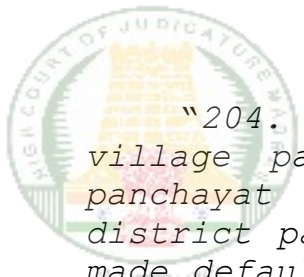
For Petitioner : Mr.N.Shanmugaselvam

For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.M.Prakash
Additional Government Pleader

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Advocate General assisted by the learned Additional Government Pleader appearing for the respondents.

2. The petitioner is the Panchayat President of Kathapparai Village Panchayat, Karur. By the impugned order, the powers of the Panchayat President has been put on hold. The impugned order has been passed ostensibly under Section 204(1) of the Tamil Nadu Panchayats Act, 1994. The said provision reads as under:



"204. (1) If at any time it appears to the Inspector a village panchayat, president or executive authority or that a panchayat union council or its chairman or commissioner or a district panchayat or its chairman or chief executive officer, has made default in performing any duty imposed by or under this or any other Act, he may, by order in writing, fix a period for the performance of such duty."

3. A mere reading of the aforesaid statutory provision would led to one conclusion that the impugned order could not have been passed under the said provision. It is also seen that there is no provision for suspending or even putting the Panchayat President's powers on hold. While the Inspector of Panchayats can remove a person from the post of Panchayat President or even withdraw her cheque signing powers, order of this nature as set out in the impugned order cannot be passed. On the ground of want of jurisdiction, the impugned order is set aside.

4. I make it clear that the outcome of this writ petition will not come in the way of the first respondent from taking action against the petitioner in the manner known to law. With this liberty to the first respondent, this writ petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

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To

1.The District Collector /
Inspector of Panchayats,
Karur District, Karur.

2.The Assistant Director of Panchayats, (Rural Development)
Karur District, Karur.

3.The Block Development Officer,
(Village Panchayat),
Kathapparai Panchayat,
Karur Panchayat Union, Karur.

+1 CC to M/s.N. SHANMUGA SELVAM, Advocate (SR-29916[F] dated 05/07/2022)

+1 CC to M/s.SPL.GP (SR-29843,30141[F] dated 05/07/2022)

W.P.(MD)No.11837 of 2022
04.07.2022

RK(18/07/2022) 2P/6C

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