



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD)No.13052 of 2022

and

W.M.P (MD)No.9262 of 2022

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Radha

... Petitioner

Vs.

- 1.The Inspector of Panchayat/District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Assistant Director of Panchayat,
Pudukkottai District,
Pudukkottai.
- 3.The Block Development Officer (Village Panchayat),
Aranthangi Block,
Aranthangi,
Pudukkottai District.
- 4.The Panchayat President,
Vijayapuram Village Panchayat,
Subramanaiyapuram Post,
Aranthangi Taluk,
Pudukkottai District.
- 5.Shanthi
- 6.Vigneshwaran

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to take action on the 5th respondent for her illegal activities in abusing her position as Vijayapuram Village Panchayat President as per the Tamil Nadu Panchayats Act, 1994 on the basis of petitioner's representation dated 31.03.2022 to the 1st respondent.

For Petitioner : Mr.R.Prasanna

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 & R2.
Mr.G.Sivaraja,
Government Advocate for R3 & R4.



ORDER

Heard the learned counsel for the writ petitioner, the learned Special Government Pleader for the respondents 1 and 2 and the learned Government Advocate for the respondent 3 and 4.

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2.The petitioner is a ward member of the fourth respondent panchayat. According to her, the panchayat president is indulging in illegal activities and abusing her position. The petitioner has given a complaint in this regard before the Inspector of Panchayats. The petitioner wants action to be taken thereon.

3.Section 205(I) of the Tamil Nadu Panchayat Act is as follows:-

"205. (I) The Inspector

(a) of his own motion, or

(b) on a representation in writing signed by not less than two-thirds of the sanctioned strength of the village panchayat containing a statement of charges against the president and presented in person to the Inspector by any two of the members of the village panchayat, is satisfied that the president wilfully omits or refuses to carry out or disobeys any provision of this Act, or any rule, by-law, regulation, or lawful order made or issued under this Act or abuses any power vested in him, the Inspector shall, by notice in writing. require the president to offer within a specified date, his explanation with respect to his acts of omission or commission mentioned in the notice."

4.The petitioner is not having numbers on her side. The petitioner's counsel would state that it is open to the Inspector of Panchayats to take action on his own motion. It is true that the Inspector of Panchayats is vested with such a statutory power. It is for the Inspector of Panchayats to take a call in the matter. This Court will not be justified in issuing any direction to the first respondent. The matter is left to the discretion of the first respondent.

5.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)



To:-

1.The Inspector of Panchayat/District Collector,
Pudukkottai District,
Pudukkottai.

2.The Assistant Director of Panchayat,
Pudukkottai District,
Pudukkottai.

3.The Block Development Officer (Village Panchayat),
Aranthangi Block,
Aranthangi,
Pudukkottai District.

+1 CC to M/s.R. PRASANNA, Advocate (SR-28100[F] dated 24/06/2022)

+1 CC to M/s.SPL.GP (SR-28475[F] dated 28/06/2022)

+1 CC to M/s.SPL.GP (SR-28508[F] dated 28/06/2022)

W.P (MD) No.13052 of 2022
24.06.2022

CK(CO)
TR(05.07.2022) 3P 7C