



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.15087 of 2021

and

W.M.P. (MD) No.12011 of 2021

WEB COPY

K.Ramesh

... Petitioner

vs.

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

2.The Assistant Director (Pachayats),
Madurai District, Madurai.

3.The Block Development Officer (V.P),
Sedapatti Panchayat Union,
Madurai District.

4.The President,
E.Kottaipatti Panchayat,
Sedapatti Panchayat Union,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relates to the impugned order, dated 14.07.2021 passed by the first respondent vide his proceedings in Na.Ka.No.1598/2020/A1.UE.(Uu) and quash the same as illegal and consequently direct the first respondent to take appropriate action on the irregularities done in the E.Kottaipatti Panchayat on basis of the petitioner's representation dated 21.06.2021.

For Petitioner : Mr.S.Sukumar

For R1 & R2 : Mr.S.Kameswaran
Government Advocate

For R3 & R4 : Mr.A.K.Manikkam

O R D E R

The writ petition has been filed in the nature of Writ of Certiorarified Mandamus, calling for the records relating to an order, which is now impugned in the present writ petition and which is dated 14.07.2021 and passed by the first respondent/District Collector/Inspector of Panchayats, Madurai.



2.The petitioner is the Vice President of E.Kottaipatti Panchayat, Sedapatti Panchayat Union, Madurai District. The main grievance of the petitioner was with respect to the activities of the fourth respondent/The President, E.Kottaipatti Panchayat again Sedapatti Panchayat Union, Madurai District. The differences which the petitioner had with the fourth respondent, ultimately, lead to an order being passed under Section 188(3) of the Tamil Nadu Panchayats Act, 1994, whereby, the pleasure which the petitioner had as Vice President to sign the cheques were withdrawn by the first respondent. Claiming that this Court should re-interfere with the said order, the present writ petition had been filed.

3.Heard arguments advanced by Mr.S.Sukumar, learned counsel for the petitioner, Mr.S.Kameswaran, learned Government Advocate for the respondents 1 and 2 and Mr.A.K.Manikkam, learned counsel for the respondents 3 and 4.

4.The petitioner has assailed the impugned order on the ground that the petitioner, as a responsible functionary holding the post of Vice President of E.Kottaipatti Panchayat had levelled allegations against the fourth respondent and in that regard, a series of notices were issued to the petitioner herein calling upon the petitioner to give explanations and therefore, the impugned order came to be passed. It is claimed by the learned counsel that the husband of the fourth respondent was interfering with the day-to-day activities of the E.Kottaipatti Panchayat and to support such allegation, along with the writ petition, a series of photographs have also been annexed by the petitioner herein.

5.Primarily, this Court can never come to any conclusion on seeing a few still photographs whether the individual shown in the photographs was interfering with the official work or not. But a duty is cast on the fourth respondent to ensure, since she was elected as a President that her husband does not interfere with official work.

6.A direction is straight away issued to the third respondent to immediately ensure that the husband of the fourth respondent does not interfere with the functioning of E.Kottaipatti Panchayat and in this connection, let the fourth respondent also give an undertaking letter to the third respondent, which letter, the third respondent may forward to the first respondent stating that she would ensure that her husband does not interfere with her official work or with the functioning of E.Kottaipatti Panchayat. A similar undertaking letter may also be given by the husband of the fourth respondent that he would not interfere with the functioning of E.Kottaipatti Panchayat. This direction though might be appear to be slightly out of the scope of the present writ petition, is required, in order to maintain decorum and dignity of the fourth respondent, who has been



7. Irrespective of the aforesaid directions, a perusal of the impugned order shows that the petitioner had been issued with notices by the second respondent and an enquiry had also been conducted. During the enquiry, the petitioner had only levelled allegations as against the fourth respondent and they centered around the interference of the husband of the fourth respondent. The first respondent, had also issued notice to the petitioner herein seeking an explanation and again the explanation centres around the interference of the husband of the fourth respondent.

8. It is seen that after following due procedure, the impugned order had been passed. It is the order to which, the first respondent had come to a subjective satisfaction and in a Judicial review, the scope of the Court is only to examine the procedures adopted and not to examine whether the order itself has to be interfered with. The procedures adopted in this particular case involved following the principles of natural justice by issuing notice. That is the only aspect which the authority can do. It is for the recipient of the notice to give necessary explanation and urge that the notice should not be acted upon.

9. However, taking into consideration the other facts that the petitioner also has been elected as a Vice President and even though I am not interfering with the impugned notice and dismissing the writ petition, I would still grant liberty to the petitioner herein to once again give a further representation to the first respondent to re-consider the impugned order, dated 14.07.2021. Similar to undertaking letter to be given by the fourth respondent and the husband of the fourth respondent, undertaking letter may also be given by the petitioner herein and on the basis of those letters and on the basis of the representation, the first respondent may re-examine the issue. It is now nearly about six months, since the impugned order had been passed and some water might have flown under the bridge and there could be a turn of events. Therefore, let the order be re-examined by the first respondent but till such time, the impugned order will stay and the arrangement made will continue.

10. An outer limit of 28.02.2022 is given to the first respondent if at all, a representation is given by the petitioner to re-examine the order and to pass necessary orders. Such order should also be passed in manner known to law and adopting due procedures established by this Court.

11. The learned counsel for the petitioner also pointed out that the notice issued by the third respondent had actually not been received by the petitioner herein. Such grievance of improper service of notice may also be form part of the representation if at all, the petitioner gives a representation to the first respondent.



12.Giving that particular liberty to the petitioner herein, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sjj

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 District Collector/
Inspector of Panchayats,
Madurai District, Madurai.
- 2.The Assistant Director (Pachayats),
Madurai District, Madurai.
- 3.The Block Development Officer (V.P),
Sedapatti Panchayat Union,
Madurai District.

+1 CC to M/s.S.SUKUMAR, Advocate (SR-110[F] dated 04/01/2022)

+1 CC to M/s.SPL.GP (SR-591[F] dated 06/01/2022)

W.P. (MD) No.15087 of 2021
04.01.2022

RD(21.01.2022) 4P 6C