



W.P.(MD)Nos.17781 of 2022 & 17511 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.17781 of 2022 & 17511 of 2021

and

W.M.P(MD)Nos.12971 & 12974 of 2022

Kaleeswari

... Petitioner in both W.Ps.

Vs

1.The State of Tamil Nadu

Rep. by the Inspector of Panchayat cum
the District Collector,
Virudhunagar District,
Virudhunagar.

2.The Assistant Director of Panchayat,
Assistant Director (Panchayat) Office,
Virudhunagar District,
Virudhunagar.

3.The Block Development Officer (Village Panchayat),
Sivakasi Panchayat Union,
Sivakasi,
Virudhuangar District.

... Respondents in both W.Ps.

4.Sethuran

... Respondent in W.P.(MD)No.17781 of 2022

Prayer in W.P.(MD)No.17781 of 2022: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order in Na.Ka.Vu.E.



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1/4942/2020 dated 26.04.2022 passed by the 1st respondent forwarded through the 3rd respondent vide proceedings in Me.Ku.Na.Ka.No. 2526/2020 dated 14.05.2022, only in respect of this writ petitioner and her signatory power and quash the same as illegal and consequently direct the 1st respondent to modify his impugned order and grant signatory power of Pudukottai Village Panchayat to the Village President and the 3rd respondent herein within a time stipulated by this Honble Court.

Prayer in W.P.(MD)No.17511 of 2021: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 1st respondent to grant permission to conduct Special Resolution under Section 188 (3) of Tamil Nadu Panchayat Act, 1994 to authorize one Smt.K.Unnamalai (Member of the 2nd ward) in the place of the vice-president on the basis of the petitioners representation dated 08.07.2021 to the respondents herein, within the time stipulated by this Court.

For Petitioner : Mr.P.M.Vishnuvarthanan
For R1 to R3 : Mr.Veerakathiravan
Additional Advocate General
assisted by Mr.K.Balasubramani
Special Government Pleader
For R4 : Mr.R.Boomirajan
(in both W.Ps.)

COMMON ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Advocate General assisted by the learned Special Government



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Pleader appearing for the official respondents and the learned counsel appearing for the 4th respondent in W.P.(MD)No.17781 of 2022.

2. The case on hand pertains to the affairs of the Pudukottai Village Panchayat in Sivakasi Panchayat Union, Virudhunagar District. The writ petitioner Kaleeswari was directly elected as a panchayat president in January 2020. Thiru.Sethuran was elected as the Vice President by the ward members. From day one onwards, the President and the Vice President were not seeing eye to eye. The Vice President was not coming forward to sign the cheques. In these circumstances, a meeting was convened by the Panchayat and the resolution was passed for taking away the powers of the Vice President. Even though the resolution was forwarded to the authorities, no action was taken. Hence, Kaleeswari filed W.P.(MD)No.17511 of 2021. During the pendency of the writ petition, enquiry was ordered. Based on the subsequent developments, the Inspector of Panchayats passed the impugned order dated 26.04.2022 withdrawing the check powers of both the President and the Vice President and contesting the same with the officials. Challenging the said order, W.P. (MD)No.17781 of 2022 came to be filed.

3. Both the writ petitions were taken up together and are being disposed of by this common order.



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4. The learned counsel appearing for the writ petitioner raised very many contentions. He took me through the averments set out in the affidavit filed in support of both the writ petitions.

5. His first contention is that when the panchayat by majority resolution called upon the Inspector of Panchayats to take away the check signing power of the Vice President and confer the same to one of the ward members, immediately action should have been taken. He faulted the indifference and inaction on the part of the Inspector of Panchayats. He also stated that for 1 ½ years, no complaint was lodged against the President. Only after filing of the writ petitions and after enquiry was ordered, the complaints were engineered against the writ petitioner. He also pointed out that the check signing power can be taken away only for six months. Whereas in this case, the impugned order states that it will be in force still further orders are passed by the Inspector of Panchayats. His further contention is that for invoking power under Section 203 of the Tamil Nadu Panchayats Act, the person concerned should be put on notice. The learned counsel relied on the decision reported in **2009(5) MLJ 537 (S.Udayakumar Vs. District Collector)**.

6. Per contra, the learned Additional Advocate General submitted that the impugned order dated 26.04.2022 speaks for itself and that only in the interest



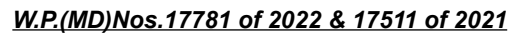
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of the panchayat administration, it came to be passed. The learned counsel appearing for the Vice President also supported the impugned order.

7. I carefully considered the rival contentions and went through the materials on record.

8. The situation could have been avoided if the Inspector of Panchayats had acted immediately on the resolution originally passed by the Village Panchayat on 11.06.2021. Unfortunately, the Inspector of Panchayats did not do so. Atleast when notice was ordered in W.P.(MD)No.17511 of 2021, action could have been taken. Because the situation was allowed to fester, some of the members who originally supported the writ petitioner deserted her camp. In the impugned order itself, it has been mentioned that out of 9 members, five are supporting the Vice President, while three are supporting the President. Thus, a clear stalemate prevails.

9. The learned Additional Advocate General, on instructions, would state that for the last 2 ½ years, no development works have taken place. When the President and the Vice President are at logger heads, the authority is left with no other option but to pass an order of this nature. It is true that before passing an order under Section 203 of the Tamil Nadu Panchayats Act, 1994, the party



10. With this direction to the Inspector of Panchayat, both the Writ Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes/ No
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To

<https://www.mhc.tn.gov.in/judis>
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2.The Assistant Director of Panchayat,
Assistant Director (Panchayat) Office,
Virudhunagar District,
Virudhunagar.

3.The Block Development Officer (Village Panchayat),
Sivakasi Panchayat Union,
Sivakasi,
Virudhuangar District.



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