



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.27707 of 2022 and
W.M.P.(MD)Nos.21818 & 21819 of 2022

M.Selvi Ganesh,
Panchayat President,
Muthusampuram Panchayat,
Rajapalayam Block,
Virudhunagar District.

... Petitioner

Vs.

1. The Inspector of Panchayat / District Collector,
Collectorate Campus, Virudhunagar,
Virudhunagar District.

2. The Assistant Director of Panchayat,
O/o.The Assistant Director of Panchayat,
Virudhunagar, Virudhunagar District.

3. The Block Development Officer (Village Panchayat),
O/o.The Block Development Office, Rajapalayam,
Virudhunagar District.

4. V.Chandhira,
Vice President, Muthusampuram Panchayat,
Rajapalayam Block,
Virudhunagar District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent in his proceedings in



Na.Ka.No.Vu.E1/440/2021 dated 14.11.2022 and quash the same as illegal and consequentially to direct the 1st respondent to pass fresh orders by providing an opportunity to the petitioner within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Ajmal Khan,
Senior Counsel,
for M/s.Ajmal Associates.

For R-1 & R-2 : Mr.M.Lingadurai,
Special Government Pleader.

For R-3 : Mr.P.Thambidurai,
Government Advocate.

* * *

ORDER

Heard the learned Senior counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for respondents 1 and 2 and the learned Government Advocate appearing for the third respondent.

2. The basic facts are not in dispute. The writ petitioner is the President of the Muthusamypuram Panchayat. The fourth respondent herein namely, Chandhira is the Vice President. They were having joint cheque signing powers. Vide



order dated 31.05.2022, The Inspector of Panchayat withdrew the cheque signing powers from the fourth respondent herein and assigned the same in favour of one Pechiammal. Chandhira filed W.P.(MD)No.14092 of 2022. The said writ petition was allowed by me on 29.07.2022. The only ground on which the writ petition was allowed was that Chandhira was not put on notice before the impugned order was passed. After the said writ petition was disposed of, the official respondents rightly restored the joint cheque signing powers of the fourth respondent. However, they appear to have given quietus to the entire issue. Of course while allowing W.P.(MD)No.14092 of 2022 on 29.07.2022, I had only given liberty to the first respondent to pass order afresh in accordance with law. I had not given any positive direction or remanded the matter. But when the Panchayat President had lodged a complaint to the Inspector of Panchayat for revoking the cheque signing powers from the Vice President on the ground that the panchayat works are stalled, the Inspector of Panchayat is duty bound to look into the issue. The learned Senior counsel also brings to my notice the resolution passed by the Village Panchayat against the Vice President. Therefore, the Inspector



of Panchayat is directed to pass final order on the petitioner's representation which was submitted pursuant to the Panchayat resolution. Of course the first respondent will not commit the same error as was done on the earlier occasion. Notice will be issued to the fourth respondent and thereafter final order will be passed. The petitioner also will be heard before the final order is passed. The entire exercise will be completed within a period of six weeks from the date of receipt of a copy of this order. This writ petition stands disposed of on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

08.12.2022

Index : Yes / No

Internet : Yes/ No

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G.R.SWAMINATHAN,J.

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