



WEB COPY



W.P.No.1993 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.1993 of 2023

and

W.M.P.No.2078 of 2023

Geetha Venkatesan

... Petitioner

Vs.

1.The Panchayat Inspector / District Collector,
Thirupathur District,
Thirupathur,
Tamil Nadu 635 601.

2.The Block Development Officer,
Madhanur Municipality,
Thirupathur District.

3.The President,
Venkatasamudhiram Municipality,
Thirupathur District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records of the proceedings of the first respondent in Na.Ka.No.1151/2022/A6 dated 14.12.2022 and quash the same as illegal.



WEB COPY



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For Petitioner : Mr.Sharath Chandran
For Respondents : Mrs.R.Anitha, for R1
Special Government Pleader
Mr.P.Balathandayutham, for RR2 & 3
Special Government Pleader

ORDER

This Writ Petition has been filed to call for the records of the proceedings of the first respondent in Na.Ka.No.1151/2022/A6 dated 14.12.2022 and quash the same as illegal.

2. Challenging the impugned order passed by the Collector, divesting the cheque signing power of the petitioner by invoking the powers under Section 203 of the Tamil Nadu Panchayat Act, the present writ petition has been filed.

3. Learned counsel appearing for the petitioner mainly contended that the petitioner has already given a complaint against the Vice President for certain irregularities, by a letter dated 04.03.2023, which has not been enquired. The moment, the complaint came to the knowledge of the President along with others, they made allegations against the Vice President. Based on the said complaint, a show cause notice has been issued. Despite the proper explanation, the Collector has rejected the same without any reasons and passed an order. According to the learned counsel, the power of signing the cheque is a statutory power as per Section



188 of the Tamil Nadu Panchayat Act, which cannot be directed without any financial irregularities. Therefore, seeks to quash the entire order passed by the first respondent.

4. In the counter, it is the main contention of the respondents is that as the petitioner is not cooperating for signing the cheque, therefore the order has been passed.

5. Learned Special Government Pleader appearing for the respondents, on instructions, would submit that if the petitioner is willing to cooperate with the President and sign the cheque by giving an undertaking to the Collector, the order directing the cheque signing power will be restored.

6. In such view of the matter, the petitioner is directed to file an undertaking before the District Collector, that he will sign the cheque along with the President. It is also made it clear that whenever any cheque is to be signed and the same shall be supported by necessary bills and vouchers. On such cheque being presented, the petitioner shall sign along with the President. After such undertaking is filed before the Collector within a week, the Collector shall restore the cheque signing power to the petitioner.



W.P.No.1993 of 2023

WEB COPY

7. With the above direction, this Writ Petition is disposed of.

Consequently, connected miscellaneous petition is closed. No costs.

03.03.2023

Index :Yes/No

Neutral Citation :Yes/No

AT

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N.SATHISH KUMAR, J.

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