



W.P.No.2801 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.2801 of 2023 & WMP.Nos.2921 & 2923 of 2023

A.C.Ramachandran
President, Alanthur Panchayat,
Thiruporur Panchayat Union,
Chengalpet District.

... Petitioner

Vs

1. The District Collector,
Chengalpet.
2. The Bock Development Officer,
Thiruporur.

... Respondents

Prayer:- Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorari calling for the records relating to the impugned Order of the first respondent dated 10.11.2022 in Na.Ka.No.404/2022/A5/UE/U and quash the same.

For Petitioner : Mrs.A.L.Ganthimathi, SC
for Mr.L.Palanimuthu

For Respondents : Mr.K.M.D.Muhilan
Additional Government Pleader– R1 & R2



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ORDER

This Writ Petition has been filed challenging the impugned Order dated 10.11.2022 suspending operation of the accounts of the Panchayat by the petitioner.

2. The case of the petitioner is that the petitioner was the elected President of the Alanthur Village Panchayat. Prior to that, the Secretary of the Panchayat has maintained the accounts and he has not handed over the books even after repeated requests and only the audit report for the year 2020-21 alone was given to the petitioner. Hence, the petitioner was not able to produce any records when he was called for an enquiry by the respondents. Despite the explanation given by the petitioner, the first respondent has passed impugned Order temporarily suspending the petitioner from operating the accounts of the Panchayat and the same has been challenged mainly on the ground that no notice, whatsoever, has been issued to the petitioner before passing of the impugned Order and hence, the same is unsustainable in law and is liable to be set aside.



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3. The learned Additional Government Pleader appearing for the respondents submitted that as the accounts sought during audit has not been produced by the petitioner, the impugned Order came to be passed.

4. Whereas, it is the contention of the learned counsel appearing for the petitioner that the petitioner has joined as the President only on 21.10.2021 and the alleged withdrawal of the amount has been made prior to the petitioner assuming charge as President and as he had no control over those documents, he could not produce those documents. However, the petitioner has filed an affidavit to the effect that he will produce the accounts from the period when he took charge as President.

5. The affidavit filed by the petitioner is taken on record. In such view of the matter, the power vested with the President of the Panchayat, which is the statutory power, has to be restored.

6. Accordingly, this Writ Petition is allowed and the impugned Order



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dated 10.11.2022 is set aside and the first respondent is directed to restore the power of operation of the accounts of the panchayat by the Petitioner.

Consequently, connected miscellaneous petitions are closed. No costs.

24.02.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

1. The District Collector,
Chengalpet.
2. The Block Development Officer,
Thiruporur.



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N.SATHISH KUMAR, J.

VTC

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