



WEB COPY



W.P.No.4353 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 15.02.2023

CORAM

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.P.No.4353 of 2023

Pavan Konduru

... Petitioner

Vs.

1.The District Collector,  
Tiruvallore District.

2.The Deputy Director Geology and Mining,  
Collectorate, District Collector Office,  
Tiruvallore.

3.The Assistant Director Village Panchayat,  
Thiruvallur District.

4.The Revenue Divisional Officer,  
Tiruttani, Tiruvallore District.

5.Jansi Jayaprakash

... Respondents

**Prayer:** Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to initiate action against fifth respondent under Tamil Nadu Panchayat Act, 1914 (Tamil Nadu Act 21 of 1994 under relevant rule as per the petitioner's representation dated 11.11.2022.

For Petitioner : Mr.M.Kalyanasundaram

For Respondents : Mr.N.Naveen Kumar, for RR1 to 4  
Government Advocate



W.P.No.4353 of 2022

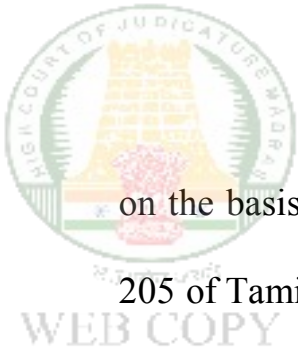
## **ORDER**

This Writ Petition has been filed to direct the first respondent to initiate action against the fifth respondent under Tamil Nadu Panchayat Act, 1914 (Tamil Nadu Act 21 of 1994 under relevant rule as per the petitioner's representation dated 11.11.2022.

2. The case of the Writ Petitioner is that the fifth respondent is a President of the Panchayat and has illegally removed the gravel by running a quarry and despite several representations, no action has been taken. Therefore, seeks for a direction to the first respondent to initiate action against the fifth respondent under Tamil Nadu Panchayat Act, 1914 for his removal.

3. Learned Government Advocate, appearing for the respondents 1 to 4, on instructions, would submit that for illegal removal of gravel, action has been taken and fine has been imposed to the tune of Rs.12,28,768/-.

4. In such view of the matter, this Court is of the view, as a matter of right, the petitioner cannot seek a removal of the Panchayat President or Vice President. The Collector can suo moto initiate the proceedings or on 2/3<sup>rd</sup> majority members passing a resolution for such removal, a panchayat President can be removed. Only



W.P.No.4353 of 2023

on the basis of representation given by the petitioner, the proceedings under Section 205 of Tamil Nadu Panchayats Act, 1994 cannot be initiated.

5. In such view of the matter, merely on the basis of some illegal activities in personal capacity, the panchayat president cannot be removed automatically. It is for the Collector to make an inquiry and proceed as per law, if it is necessary.

6. With the above direction, this Writ Petition is disposed of. No costs.

**15.02.2023**

Index :Yes/No

Neutral Citation:Yes/No

AT

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W.P.No.4353 of 2023

**N.SATHISH KUMAR, J.**

AT

W.P.No.4353 of 2023

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