



W.P.No.4230 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.4230 of 2023
and W.M.P.No.4266 of 2023

G.Malar

...Petitioner

Versus

1. The District Collector and the Inspector of Panchayat
Kallakurichi District Collectorate
Kesavalu Nagar, VOC Nagar
Kallakurichi Post
Kallakurichi District – 606 202

2.Block Development Officer(Village Panchayat)
Tirukoilur Panchayat Union
Tirukoilur Post
Tirukoilur Taluk
Kallakurichi District – 605 757

3.The Thasildar
Office of the Thasildar
Tirukoilur Taluk
Kallakurichi District – 605 757

...Respondents

Prayer: Writ Petition filed under Section 226 of the Constitution of India to issue
a Writ of Certiorarified Mandamus, calling for the records relating to the



W.P.No.4230 of 2023

impugned notice issued by the 1st respondent in his proceedings initiated under section 205 (2) of the Tamil Nadu Panchayaths Act, 1994 vide Na.Ka.No.A2/3012/2022-I Dated: /01/2023 and quash the same on the ground of it being arbitrary irrational illegal and against the principles of natural justice and consequently to forbear the 3rd respondent from convening the meeting for ascertaining the view of the village panchayath.

For Petitioner : Mr.N.Kannan

For Respondents : Mr.N.Naveen Kumar for R1 & 3
Government Advocate

Mr.B.Tamil Nidhi for R2
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the notice issued by the 1st respondent in his proceedings initiated under section 205 (2) of the Tamil Nadu Panchayaths Act, 1994 vide Na.Ka.No.A2/3012/2022-I Dated: /01/2023 and quash the same on the ground of it being arbitrary irrational illegal and against the principles of natural justice and consequently to forbear the 3rd respondent from convening the meeting for ascertaining the view of the village panchayath.



W.P.No.4230 of 2023

2. The challenge is made to the above notice on the ground that the explanation sought has not been considered by the District Collector and without considering his explanation and assigning any reasons, the notice has been issued to the Tahsildar to conduct enquiry as contemplated under Section 205 (3) of the Tamil Nadu Panchayaths Act, 1994. Therefore, it is the contention of the learned counsel for the petitioner that the impugned notice has to be quashed. He also placed reliance on the order of this Court in the case of M.Selvarani Vs. The Inspector of Panchayat/District Collector and others made in W.P.No.10157 of 2022.

3. The petitioner was selected as a Village Panchayat President of Chozhavaandiyapuram Village, Tirukovilur Taluk, Kallakurichi District. The petitioner was charged with 14 charges with respect to certain irregularities by the District Collector and explanation was sought by the District Collector with respect to the above charges. According to the petitioner, he has given a detailed explanation, however, the District Collector has not considered his explanation and forwarded the impugned order to the Tahsildar to conduct the proceedings as per Section 205(3) of the Act. Hence, the same has been challenged.



W.P.No.4230 of 2023

4. Heard both sides and perused the materials placed on record. Though this Court in one of the writ petition as referred above has held that the petitioner has not been intimated the reasons for rejecting the explanation by the District Collector. Without furnishing the reasons, the District Collector has referred the matter to the Tahsildar. Therefore, quashed the notice.

5. This Court is of the firm opinion that what is required under the statute is only forming opinion of the District Collector that too accepting the explanation or rejecting the explanation. When the District Collector has indicated in his Order that he is not satisfied with the explanations submitted by the petitioner. Therefore, he proceeded to take action as per law. It cannot be said that explanation has not at all been considered, when the District Collector has formed opinion and indicated in his order that the explanation submitted by the petitioner is not acceptable. Therefore, he has forwarded the charges to the Tahsildar to conduct the meeting as contemplated under 205(3). Section 205(3) does not require reasons rejecting the explanations to be furnished before taking any action. The explanation has been considered by the District Collector on subjective assessment.



W.P.No.4230 of 2023

WEB COPY

6. Such view of the matter, I do not find any merits in this case and this writ petition stands dismissed. No costs. Consequently connected miscellaneous petition is closed.

14.02.2023

Index : Yes/No

Neutral Citation : Yes/No

Speaking Order : Yes/No

dhk

To

1. The District Collector and the Inspector of Panchayat
Kallakurichi District Collectorate
Kesavalu Nagar, VOC Nagar
Kallakurichi Post
Kallakurichi District – 606 202

2. Block Development Officer(Village Panchayat)
Tirukoilur Panchayat Union
Tirukoilur Post
Tirukoilur Taluk
Kallakurichi District – 605 757

3. The Thasildar
Office of the Thasildar
Tirukoilur Taluk
Kallakurichi District – 605 757



WEB COPY



W.P.No.4230 of 2023

N. SATHISH KUMAR, J.

dhk

Order in:
W.P.No.4230 of 2023

14.02.2023