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W.P.No.5851 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2023

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THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

W.P.No.5851 of 2023
and WMP.No.5866 of 2023

S.Srisabarathinam

... Petitioner

Versus

1. The District Collector cum Inspector of Panchayat,
Collectorate, Namakkal District.

2. The Assistant Director,
Rural Development and Village Panchayats,
Collectorate, Namakkal.

3. The Block Development Officer,
Erumapatti, Namakkal District.

4. The Zonal Deputy Block Development
Officer, Erumapatti, Namakkal District.

5. Kamala Priya

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 30.11.2022 in Na.Ka. No.UNi2/ 2342/ 2020 passed by the 1st respondent and quash the same and consequently direct



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the 1st respondent to give additional charges to the petitioner to proceed with the administration of the Muttanchetty Panchayat.

For Petitioner : Mr.K.A.Mariappan

For Respondent : Mr.K.M.D.Muhilan,
Additional Government Pleader
For Respondents 1 & 2
Mr.Jayachandran, Government Advocate
For respondents 3 & 4

ORDER

This writ petition has been filed seeking to quash the impugned order dated 30.11.2022 passed by the 1st respondent and consequently, direct the 1st respondent to give additional charges to the petitioner, to proceed with the administration of the Muttanchetty Panchayat.

2. It is the case of the petitioner that he is the Vice President of Muttanchetty Panchayat, Namakkal District and he made a representation before the respondents for removal of the President, Muttanchetty Panchayat for the irregularities committed by the 5th respondent and for the improper administration. The said representation was not considered, for which, the petitioner filed a writ petition before this Court in W.P.No.30286 of 2022. This Court, vide order dated 15.11.2022, directed the first respondent to file a report of the action taken on the petitioner's representation. Thereafter, the first



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respondent instead of disposing of the representation of the petitioner dated 17.10.2022 passed an order directing the respondents 3 & 4 to handle all the accounts of the panchayat as a temporary arrangement. The said order has not been served on the petitioner but a copy was served by the Government Advocate at the time of hearing the above said writ petitions. In the meanwhile, the first respondent has passed an order dated 30.11.2022, appointing respondents 3 and 4 as in charge of the Muttanchetty Panchayat. Challenging the said impugned order, the present writ petition has been filed before this Court.

3. The learned counsel for the petitioner submitted that there is a serious allegation against the 5th respondent, who is the President, and the impugned order taking the powers of the elected body members of the panchayat and appointing the government officials in the place of the elected body members, that too when there is no complaint against the petitioner who is the Vice President of the Panchayat, is against the law.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing on behalf of the respondent and perused the



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materials available on record.

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5. As rightly pointed out by the learned counsel for the petitioner, there was already an enquiry conducted and allegation made against the President was found proved, for which, the Block Development Officer has taken action against her under Section 205 of the Tamil Nadu Panchayat Act. Based on the orders passed by this Court dated 15.11.2022 in W.P.No.30286 of 2022, an enquiry appears to have been conducted, divesting the cheque signing power of the present petitioner along with the President. It is noted that the impugned order proceeds as if there are various allegation against the President and Vice President. Therefore, the entire panchayat administration become stand still. Taking note of the above fact, the impugned order came to be passed.

6. This Court is of the view that having conducted enquiry against the President and certain allegations have been established, merely because there is non cooperation by the Vice President, the cheque signing power of the vice President ought not to have been divested. In that case, the District Collector ought to have included the Vice President along with the BDO. In such view of the matter, the orders divesting the cheque signing power of the Vice President



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alone is interfered with and set aside. The petitioner shall file an affidavit before the District Collector expressing his intention to cooperate with the BDO in signing the cheques. On such undertaking, the District Collector shall restore the power of the Vice President viz., petitioner herein alone, along with the BDO.

7. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

28.02.2023

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To

1. The District Collector cum Inspector of Panchayat, Collectorate, Namakkal District.
2. The Assistant Director, Rural Development and Village Panchayats, Collectorate, Namakkal.
3. The Block Development Officer, Erumapatti, Namakkal District.
4. The Zonal Deputy Block Development Officer, Erumapatti, Namakkal District.

N.SATHISH KUMAR, J.



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