



WEB COPY



W.P.No.5945 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

W.P.No.5945 of 2023
and WMP. No.5948 of 2023

P.Gayathri

... Petitioner

Versus

1. The District Collector
Inspector of Panchayats,
Tiruppur,
Tiruppur District.

2. The Assistant Director,
(Panchayat) Tiruppur, Tiruppur District.

3. The Block Development Officer,
(Village Panchayat), Kangeyam,
Tiruppur, Tiruppur District.

4. Paranjervali Village Panchayat,
Rep. by its President,
Paranjervali, Kangeyam Taluk,
Tiruppur District.

... 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 notice in Na.Ka.No. 437/2022/A1 dated 16.02.2023 issued by the 2nd respondent quash the same and consequently direct the 1st



W.P.No.5945 of 2023

respondent to conduct an enquiry on the irregularities pointed out in the petitioners representations dated 17.02.2023 and 20.02.2023.

For Petitioner : Mr. N.Manoharan
For Respondent : Mrs.R.Anitha, SGP RR1 & 2
Mr.S.Prabhakaran, GA R3
Mr.R.Sivakumar R4

ORDER

This writ petition has been filed seeking to quash the impugned notice in Na.Ka.No. 437/2022/A1 dated 16.02.2023 issued by the 2nd respondent and consequently, direct the 1st respondent to conduct an enquiry on the irregularities pointed out in the petitioners representations dated 17.02.2023 and 20.02.2023.

2. It is the case of the writ petitioner that he was elected as the member of the ward No.4 of Paranjervali village panchayat. Later, the petitioner was elected as the Vice-President of the above said panchayat on 11.01.2022. For the past three years, all the cheques for payment from the village panchayat have been jointly signed by the President P.Thangaraj and the petitioner as per Section 188(3) of TN Panchayats Act, 1994. In such circumstances, the 4th respondent passed a resolution dated 10.02.2023 to remove the petitioner's name from the



W.P.No.5945 of 2023

cheque signing authority and to substitute one Ravikumar, Member of Ward No.7 as a co-signatory along with him. Therefore, the petitioner gave a complaint dated 20.02.2023 to the respondents 1 to 3 regarding the illegalities committed by the 4th respondent. In this regard, the second respondent conducted enquiry and passed the impugned order on 16.02.2023. Challenging the said impugned order, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that the power to sign the cheque is a statutory power conferred on the President and Vice President under Section 188(3) of the Act, 1994. Such power cannot be disturbed by the second respondent for lack of source of power. The President and the Vice President belong to different political parties, therefore, the President had acted arbitrarily to take away the cheque signing power of the vice President for an oblique and for extraneous reasons. Hence, this Court may quash the impugned order and direct the respondents to consider the petitioner's representations dated 17.02.2023 and 20.02.2023.

4. Mrs.R.Anitha, learned Special Government Pleader submitted that as per Section 188(3) of the Tamil Nadu Panchayat Act, all the cheques for



W.P.No.5945 of 2023

paument from the village panchayat funds are jointly signed by the President and the Vice President. Further, As per Section 206 of the Act, the Inspector of Panchayat is the competent person to take action against the Vice President. Whereas in this case, the second respondent has conducted an enquiry and passed the impugned order, which is not according to law.

5. Heard the learned counsel on either side and perused the materials available on record.

6. As rightly pointed out by the learned Special Government Pleader that as per Section 206 of the Tamil Nadu Panchayats Act, the Inspector of Panchayat/District Collector is the competent person to take action against the Vice President and the District Collector has power and jurisdiction to cancel the power of signing the cheques in view of G.O.Ms. No.92, Rural Development (C2) Department, dated 26.03.1997. In this case, the District Collector has to look into the matter for smooth functioning of the village panchayat.

7. In view of the above discussion, the impugned order dated 16.02.2023 passed by the second respondent is set aside and the matter is remanded back to



W.P.No.5945 of 2023

the first respondent to pass a fresh order as per G.O.Ms.No.92, dated 26.03.1997, after giving opportunity to the petitioner as well as the 4th respondent within a period of two months from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

27.02.2023

rlh

To

1. The District Collector
Inspector of Panchayats,
Tiruppur,
Tiruppur District.

2. The Assistant Director,
(Panchayat) Tiruppur, Tiruppur District.

3. The Block Development Officer,
(Village Panchayat), Kangeyam,
Tiruppur, Tiruppur District.



WEB COPY



W.P.No.5945 of 2023

N.SATHISH KUMAR, J.

rli

W.P.No.5945 of 2023

27.02.2023