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W.P.No.10183 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10183 of 2023

and

W.M.P.No.10210 & 10208 of 2023

M.Parasakthi

... Petitioner

Vs.

1.The District Collector / The Inspector of Panchayats,
Kallakurichi District.

2.The Assistant Director of Panchayats,
Kallakurichi, Kallakurichi District.

3.G.Ramasamy,
The Panchayat President,
S.Malayanur Panchayat,
Ulundurpet, Kallakurichi District.

4.G.Jayaraman

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order of the 1st respondent in Ref. No. Na. Ka. No. A4/75/2022 dated Nil/02/2023 signed on 24.02.2023 and quash the same and consequently direct the 1st respondent to take appropriate action against the



respondents 3 and 4 for manipulation of the Panchayat records and putting fake signature on the file of S.Malayanur Panchayat, Ulundurpet Kallakurichi District, on the basis of the petitioner's representation dated 03.06.2022.

For Petitioner : Mr.T.Arockia Dass
For M/s.Dass and Viswa Associates

For R1 & R2 : Mr.A.M.Ayyadurai
Government Advocate

ORDER

The impugned order passed under Section 204(3) of the Tamil Nadu Panchayat Act, 1994 in proceedings dated 24.02.2023 is under challenge in the present writ petition.

2. The petitioner is the elected ward member of S.Malayanur Panchayat Ulundurpet Taluk, Kallakurichi District for Ward No.2 and now serving as a Vice President of the said Panchayat. There are six Wards in S.Malayanur Panchayat and one Mr.G.Ramasamy is the elected Panchayat President. The petitioner states that right from the date of assumption of the office as members of the Village Panchayat, the members were not permitted to perform their duties as per the provisions of the Tamil Nadu Panchayats



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Act, 1994 by the Panachayat President. The members of the Village Panchayat have given written representations and complaints to the respondents 1 and 2 to initiate action against the President of the Panchayat. While so, the order impuged has been passed stating that all mandatory transactions are to be done by the Deputy Block Development Officer (Panchayat Ulundurpet) under Section 204(3) of the Panchayat Act. It is not in dispute that the order impugned passed by the District Collector / Inspector of Panchayats is valid for a period of six months under Section 204(3) of the Act.

3. The learned counsel for the petitioner states that the order impugned is causing prejudice to the interest of the other members including the petitioner, who is holding the post of Vice President. The respondents 1 and 2 instead of conducting an enquiry into the allegations raised against the President, has passed an impugned order depriving the other members from functioning in their capacity as Vice President and the members of the Panchayat. Thus, the order impugned is to be set aside.



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4. The writ petitioner herein earlier filed W.P.No.32006 of 2022 and this Court passed an interim order on 02.12.2022 directing the Assistant Director of Panchayat, Kallakurichi to send the forged documents to the Forensic Lab for examination. Final order has been passed in the writ petition on 04.01.2023 directing the 1st respondent to take action based on the Forensic report.

5. Thus, the complaint filed by the petitioner along with other Ward members had been acted upon by the competent authorities and based on the directions issued by this Court, the forged documents were sent for Forensic examination and based on the Forensic report, actions are proposed to be initiated.

6. As far as the order impugned in the present writ petition is concerned, it is passed under Section 204(3) of the Tamil Nadu Panchayat Act, 1994. Sub Section (3) to Section 204 stipulates that *“If on a representation in writing made by the president, the Inspector is satisfied that due to the non-co-operation of the members with the president, the village panchayat is not able to function, the Inspector may, by notification,*



authorise the president to perform subject to the control of the Inspector, such of the duties imposed upon the village panchayat by law and for such period not exceeding six months as may be specified in such notifications.

During the period for which the president is so authorised, there shall be no meeting of the village panchayat”.

7. The very complaint by the petitioner / Vice President and the other Ward members reveals that there are disputes between the President and other Ward members and the allegations against the president is also serious in nature warranting action in the event of establishing that his signatures are forged. Under these circumstances, in order to protect the public interest and for the smooth functioning of the Village Panchayat, the Inspector of Village Panchayat / District Collector based on the order impugned directed the Deputy Block Development Officer to check the signature. Such an action taken by the Inspector of Panchayat is in the interest of public and falling within the ambit of Section 204(3) of the Tamil Nadu Panchayat Act. The order will be given effect to six months and meanwhile, the disputed issues are to be resolved. This being the factum this Court do not find any infirmity in respect of the order passed by the Inspector of Panchayat.



8. Accordingly, this Writ Petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

03.04.2023

Jeni

Index : Yes

Speaking order

Neutral Citation : Yes

To

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