



W.P.No.13647 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.13647 of 2023
and WMP No.13319 of 2023

Mr.Nagaraj

... Petitioner

-Vs-

- 1.The Inspector of Panchayat-cum-
District Collector
Krishnagiri District
Krishnagiri.
- 2.The Block Development Officer
(Village Panchayat)
Panchayat Union
Thally, Krishnagiri District.
- 3.The Zonal Deputy Block Development Officer
Unit-III
Kodiyam Village Panchayat
Thally Panchayat Union
Krishnagiri District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the proceedings of the first respondent in Na.Ka.No.5442/2021/A3, dated 23.01.2023 and quash the same.



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For Petitioner Mr.M.P.Saravanan

For Respondents Mr.C.Selvaraj
Additional Government Pleader
for R1
Mr.P.Harish
Government Advocate
for R2, R3

ORDER

The President of Kodiyalam Panchayat has filed this writ petition challenging the proceedings of the 1st respondent in Na.Ka.No.5442/2021/A3, dated 23.01.2023 initiated u/s 203 of the Tamil Nadu Panchayats Act, 1994, (hereinafter referred to as 'the Act') wherein the cheque signing power of the petitioner has been withdrawn and the same has has been assigned to the 2nd and 3rd respondents.

2.The case of the petitioner is that he is the elected President of Kodiyalam Panchayat. According to the petitioner, he does not know to read and write Tamil and English and he went by the advise given by the Panchayat Secretary. Unfortunately, certain payments were made during the years 2020 and 2021 to private individuals towards completion of work and this payment was not in accordance with the guidelines. In view of the same, proceedings have been initiated u/s 205 of the Act by the 1st respondent by issuing a notice dated 16.5.2022, pointing out certain misappropriation and a reply was also given by the petitioner dealing with every charge made against the petitioner.



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3.The grievance of the petitioner is that the 1st respondent straight away invoked the emergency power u/s 203 of the Act, through the impugned proceedings dated 23.01.2023 and withdrew the cheque signing power which was handed over to the 2nd and 3rd respondents. Aggrieved by the same, the present writ petition has been filed before this Court.

4.Heard Mr.P.Saravanan, learned counsel for the petitioner, Mr.C.Selvaraj, learned Additional Government Pleader for R1 and Mr.P.Harish, learned Government Advocate for R2 and R3.

5.There is no dispute with regard to the fact that proceedings have been initiated against the petitioner u/s 205 of the Act on the ground of misappropriation. On going through the reply given by the petitioner, it is seen that the petitioner is feigning ignorance and the petitioner has taken a stand that these are payments made to private persons during the pandemic period for the work done by them for the Panchayat. That apart, the petitioner has also taken a stand that these payments were made on the advise given by the Secretary of the Panchayat. Alleged misappropriation had taken place during the years 2020 and 2021 and the amount in question is quite significant.

6.In the light of the above development, the 1st respondent thought it fit to exercise the emergency power u/s 203 of the Act. Such a power has been vested upon the District Collector to deal with an emergency situation. The 1st respondent found that payments are



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being made by the petitioner to private individuals repeatedly during the year 2020 and 2021 and hence, the emergency powers were exercised to ensure that the funds of the Panchayat is safeguarded and payment is made in accordance with law. Such decision taken by the 1st respondent does not suffer from any illegality.

7.The learned Additional Government Pleader appearing on behalf of the 1st respondent submitted that the petitioner has already given a reply for the notice issued by the 1st respondent while initiating proceedings u/s 205 of the Act and steps are being taken to proceed further as stipulated u/s.205(2) of the Act. If the 1st respondent is not satisfied with the explanation given by the petitioner, the 1st respondent will proceed further to express his opinion and forward a proposal for the removal of the petitioner to ascertain the views of the Village Panchayat. Thereafter, the procedure prescribed u/s 205(3) to 205(11) will be followed. If the 1st respondent is satisfied with the explanation, the proceedings will be withdrawn. In view of the same, the interim arrangement made by the 1st respondent u/s 203 of the Act shall continue, till a final decision is taken on the proceedings initiated u/s 205 of the Act. Such a decision will enure to the public interest.

8.In the light of the above discussion, this Court does not find any ground to interfere with the impugned proceedings of the 1st respondent initiated u/s 203 of the Act and the same shall continue, till a final decision is taken on the proceedings initiated u/s 205 of the Act.



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9. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Internet : Yes/No

Index : Yes/No

Neutral Citation : Yes/No

To

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N.ANAND VENKATESH, J.

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