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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.17930 of 2023

Vasanthi Munusamy

... Petitioner

vs.

1.The District Collector,
Salem District,
Salem.

2. The Block Development Officer,
Nangavalli, Mettu Taluk,
Salem District.

3. The Assistant Block Development Officer,
Nangavalli, Mettu Taluk,
Salem District.

4. Veerakal Village Panchayat,
Rep. by its President (I/C)
Veerakal, Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to ensure that the Veerakal Village Panchayat meeting scheduled on 16.06.2023 at 11.00 a.m for selection of a second member to act as authorised signatory to the cheque for payment from Village Panchayat Fund, is conducted in a fair and transparent manner in



accordance with Tamil Nadu Panchayat Act 1994.

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For Petitioner : Mr.S.R.Rajagopalan
for Mr.S.Praveennath

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

This writ petition has been filed by the Ward member of the Veerakal Village Panchayat for the issue of writ of Mandamus directing the respondents to ensure that the meeting scheduled on 16.06.2023 for selection of the second member to act as the authorized signatory to sign the cheques, is conducted in a fair and transparent manner in accordance with the Tamil Nadu Panchayats Act, 1994 (hereinafter called as the Act) and the rules thereunder. The petitioner has sought for a further direction to the respondents to video graph the entire meeting to ensure that the meeting is conducted in a fair manner.

2. Heard Mr.S.R.Rajagopal, learned Senior counsel for the petitioner and Mrs.S.Mythreye Chandru, learned Special Government Pleader for respondents.



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3. The President of Veerakal Village Panchayat had expired on 15.03.2023 and the office of the President fell vacant and the Vice President is now acting as the President of the Veerakal Village Panchayat in accordance with Section 47(1) of the Act. As per Section 188 (3) of the Act, the cheques shall be signed jointly by the President and the Vice President and in the absence of the President or the Vice President, as the case may be, a member has to be authorized by the Village Panchayat at a meeting that is convened in this behalf. Presently, the Vice President is one of the signatory and the 2nd signatory for the cheques has to be chosen.

4. The grievance of the petitioner is that the meeting can be presided over under Section 89 of the Act only by the president or in his absence by the vice president and an attempt is being made to direct the BDO to preside over the meeting. It was further submitted that in order to ensure fairness in the meeting convened, it has to be video graphed and sufficient police protection should be given since a tensed atmosphere prevails.



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5. The learned Special Government Pleader produced the written instructions and submitted that the meeting will be presided over only by the vice president and that after the receipt of the notice, two of the ward members have given objections and since their objections must be considered, the meeting is now postponed. The learned Special Government Pleader submitted that a date will be fixed for the meeting and the entire meeting will be video graphed and if this Court directs for police protection, the same will also be complied with.

6. In the light of the written instructions received by the learned Special Government Pleader and recording the submissions of the learned Special Government Pleader, there shall be a direction to convene the meeting on 19.06.2023 at 11.00 a.m at the premises of the Panchayat. The meeting shall be presided over by the Vice President (Incharge President). The entire meeting shall be video graphed and taking into consideration the apprehension raised about a potential law and order problem, there shall be a direction



to the Jurisdictional Police to provide for police protection during the meeting. It shall be ensured that the meeting is convened in a free and fair manner and it is conducted in accordance with the procedure contemplated under the Act and Rules.

7. This writ petition is disposed of in the above terms. No costs.

15.06.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No

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Note : Issue order copy on 16.06.2023

To

<https://www.mhc.tn.gov.in/judis>



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N. ANAND VENKATESH, J.
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