



W.P.No.20961 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.20961 of 2023

and

WMP.No.20340 of 2023

P.Rangaraj

...Petitioner

Vs.

- 1.The Director
Panchayat Raj and Rural Development Department
Panagal Maligai
Saidapet, Chennai 600 015.
- 2.The District Collector
Coimbatore District
Coimbatore.
- 3.The Assistant Director (Panchayat/Auditor)
Panchayat Raj and Rural Development Department
Coimbatore
Coimbatore District.
- 4.The Tahsildar
Coimbatore North Taluk
Coimbatore District.
- 5.The Block Development Officer
Periyanaickenpalayam Panchayat Union
Coimbatore, SRKU Post
Coimbatore 641 020.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified, to call for the records pertaining to the proceedings of the fourth respondent in Na.Ka.No.6484/2022/Aa1 dated 07.07.2023 and quash the same as illegal and ultravires.

For Petitioner : Mr.R.Singaravelan
Senior Counsel
for Mr.R.Jayaprakash

For Respondents : Mr.N.Naveenkumar for R1 to R4
Government Advocate

: Mr.M.Venkateswaran for R5
Special Government Pleader

ORDER

The petitioner has come up with this Writ Petition challenging the notice issued by the fourth respondent dated 07.07.2023 in Na.Ka.No.6484/2022/Aa1 convening the meeting of Periyanaickenpalayam Panchayat Union for considering the charges leveled against the petitioner under Section 205 of the Panchayats Act.

2. Mr.N.Naveenkumar, learned Government Advocate takes notice for the respondents 1 to 4 and Mr.M.Venkateswaran, learned Special Government Pleader takes notice for the fifth respondent.



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3. The learned Senior Counsel appearing for the petitioner challenged the impugned notice issued by the Thasildar by submitting that, by virtue of the earlier passed by this Court in W.P.No.18751 of 2023 to the effect that, at the time of forwarding the charges leveled against the petitioner for consideration of the Panchayat Union, he is not expected to arrive at a final conclusion on the charges leveled against the petitioner. In the impugned notice, it is mentioned by the fourth respondent that charges leveled against the petitioners were proved. Along with the impugned notice, the fourth respondent failed to supply documents relied by the petitioner in support of his explanation.

4. The learned Senior Counsel further again relied on the orders passed by this Court in W.P.No.18751 of 2023 wherein the directions were given to the fourth respondent to supply all the relevant materials along with notice.

5. Earlier similar notice was issued by the fourth respondent for convening meeting of the Panchayat Union for considering the charges leveled against the petitioner and the same was challenged by the petitioner by filing a



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Writ Petition in W.P.No.18751 of 2023 this Court passed a detailed order which is as follows;

“ 24. The 4th respondent through proceedings dated 15.06.2023 has convened a meeting on 26.06.2023. The 4th respondent is expected to send along with the notice the charges framed against the petitioner, the explanation given by the petitioner along with the relevant documents and the opinion arrived at by the District Collector. At the risk of repetition, this Court holds that the opinion of the District Collector as if the charges have been proved is not binding on the members and the only opinion that will be placed before the members in the meeting is that the District Collector was not satisfied with the explanation given by the petitioner. Based on the same, it is left open to the members to take a decision. If the 4th respondent viz., the Tahsildar has not supplied the necessary materials along with the notice issued to the members, it is left open to the Tahsildar to withdraw the impugned notice dated 15.06.2023 and issue a fresh notice by convening a fresh meeting after supplying all the materials indicated supra to the members. The notice period as contemplated under Section 205 of the Act shall be fulfilled, if a fresh meeting is going to be called for. This observation is made by this Court to ensure that the meeting convened on 26.06.2023 does not get vitiated due to non-supply of the materials along with the notice dated



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*15.06.2023 issued to the member for convening the meeting on
26.06.2023.”*

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6. A perusal of the order passed by this Court would make it clear that at the time of convening meeting the District Collector or Thasildar is not expected to give his final opinion regarding charges leveled against the petitioner.

7. At this stage, after considering the explanation submitted by the petitioner, if the District Collector is not satisfied with the explanation, he has to record the same and send the materials to the Panchayat Union for consideration.

8. In the impugned notice, the fourth respondent mentioned that charges leveled against the petitioner stood proved. In view of the order passed by this Court referred the above, this Court is inclined to clarify that opinion expressed by the Thasildar in the impugned notice as if charges leveled against the petitioner stood proved is unnecessary and the same has to be ignored by the members of the Panchayat Union.



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9. The learned Senior Counsel further submitted that, as directed by this Court in earlier Writ Petition, along with the notice, the fourth respondent should have forwarded all the materials relied by the petitioner in support of his explanation to the charges. In the case on hand, along with the impugned notice, the members were supplied with only the copy of the charges leveled against the petitioner and the explanation submitted by the petitioner. The materials relied by the petitioner are filed in the typed set of papers filed in this Writ Petition from page Nos.78 to 180.

10. In view of the specific directions issued by this Court in earlier Writ Petition, the fourth respondent, while issuing notice for convening meeting, is expected to serve all the members the copies of the charges leveled against the petitioner, the explanation submitted by the petitioner along with other relevant documents, this Court is inclined to issue a direction to the fourth respondent to supply the materials placed by the petitioner in page Nos.78 to 180 in the typed set of papers, to all the members of the Panchayat Union, provided the same had been annexed by the petitioner in his explanation submitted to the second respondent.

11. It is also brought to the notice of this Court that, under



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Section 205 (4) of the Panchayats Act, the notice regarding convening meeting shall be issued 7 days in advance.

12. In view of the said submissions, the fourth respondent is directed to re-schedule the meeting scheduled to be held on 19.07.2023 to any other convenient date by giving 7 days prior notice from the date of furnishing of relevant materials.

13. The fourth respondent is also directed to circulate a copy of the orders passed in this Writ Petition along with the materials to the members of the Panchayat Union.

14. With the above directions, this Writ Petition is disposed of.
No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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S.SOUNTHAR, J.

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To

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and

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