



WEB COPY



W.P.No.22950 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.22950 of 2023

Durgadevi Venkatesan
Panchayat President
Palayanur Village Panchayat
Palayanur Village and Post
Tiruvannamalai.

... Petitioner

VS.

- 1.The District Collector,
Tiruvannamalai District.
- 2.The Assistant Director of Panchayat
Tiruvannamalai District
Tiruvannamalai.
- 3.The Block Development Officer (Village Panchayats)
Tiruvannamalai Block
Tiruvannamalai
- 4.Thiru Maria Dev Anand,
Block Development Officer,
Tiruvannamalai Block
Tiruvannamalai

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents herein to forthwith hand over the records in respect of the charges framed against the



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petitioner viz. the vouchers, forms and the agendas and the minute books enabling the petitioner to submit his explanation to the notice under Section 205 of the Tamil Nadu Panchayats Act as per the representation dated 31.01.2023 given to the 1st Respondent herein.

For Petitioner	: Ms.A.L.Gandhimathi Senior Counsel for Mr.L.Palanimuthu
For R1 and R2	: Mrs.S.Anitha Special Government Pleader
For R3	: Mr.V.Nanmaran Additional Government Pleader

ORDER

The writ petition is filed seeking issuance of Writ of Mandamus, directing the respondents herein to hand over the records in respect of the charges framed against the petitioner to enable the petitioner to submit her explanation to the notice issued under Section 205 of the Tamil Nadu Panchayats Act, 1994.

2. It is the case of the petitioner that a notice under Section 205 of the Tamil Nadu Panchayats Act, 1994 has been issued by the 1st respondent



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calling for explanation from the petitioner in respect of various charges made against her. The petitioner submitted a representation to the 1st respondent 31.01.2023 requesting him to furnish certain documents like vouchers, form, agendas and minute books etc., to enable the petitioner to submit her explanation for the show cause notice. However, the respondents failed to furnish the documents. Therefore, the petitioner has come by way of this writ petition.

3. The learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.V.Nanmaran, learned Additional Government Pleader appearing for 3rd respondent by taking this Court to the counter affidavit filed by the 3rd respondent, submitted that since the petitioner failed to submit any explanation for the show cause notice issued by the 1st respondent, the 3rd respondent has conducted an enquiry and submitted a report to the 2nd respondent recommending further action against the petitioner. The learned Special Government Pleader further submitted that in view of the fact the enquiry is already over and the prayer sought for in the writ petition has already become infructuous.



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4. The learned Senior Counsel appearing for the petitioner submitted that the petitioner was not in a position to submit her explanation to the show cause notice due to non-furnishing of material documents requested by her and in such circumstances, if any final order is passed certainly it will cause great prejudice to the petitioner.

5. The petitioner sought for certain documents based on which, the charges were made against her. In such circumstances, in order to give fair opportunity to the petitioner to explain her case, it would be appropriate to allow the petitioner to peruse the documents relied on by the respondents. Therefore, the petitioner is directed to appear before the 2nd respondent on 13.10.2023 at 10.30 a.m., to peruse the documents requested by her in her representation dated 31.01.2023. The 2nd respondent is directed to allow the petitioner to peruse the relevant documents relied on by them in support of the charges made against her.

6. The petitioner is granted a period of two weeks from 13.10.2023 to submit her explanation to show cause notice issued by 1st respondent under Section 205 of the Tamil Nadu Panchayats Act, 1994. After expiry of the



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said period, the respondents are entitled to proceed further in accordance with law. Till such time, no final orders shall be passed against the petitioner.

7. With these directions, the writ petition stands disposed of. No costs.

29.09.2023

Index : Yes/No
Speaking order : Yes/No
Neutral Citation : Yes/No
dm

To

- 1.The District Collector,
Thiruvannamalai District.
- 2.The Assistant Director of Panchayat
Tiruvannamalai District
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- 3.The Block Development Officer (Village Panchayats)
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