



W.P.No.626 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.04.2023

CORAM

THE HON'BLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.No.626 of 2023
and W.M.P.No.563 of 2023

A.Shrimanikandan

... Petitioner

Vs.

1.The Panchayat President,
Solanur Panchayat, Palanigoundanpudur,
Kinathukadavu Taluk-642 002.

2.The Inspector of Pamchayats /
The District Collector,
7/1, State Bank Rd, Gopalapuram,
Coimbatore, Tamil Nadu-641 018.

3.Block Development Officer,
Block Development Office,
Coimbatore Road, Kinathukadavu,
Pollachi-642 109.

4.The Deputy Block Development Officer,
Block Development Office,
Coimbatore Road, Kinathukadavu,
Pollachi-642 109.

5.The Taluk Panchayat Inspector,
7/1, State Bank Rd, Gopalapuram,
Coimbatore, Tamil Nadu-641 018.

6.Assistant Director of Rural Development (Audit),
District Collector Office,
7/1, State Bank Rd, Gopalapuram,
Coimbatore, Tamil Nadu-641 018.



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7. Assistant Director of Rural Development (Panchayats),
District Collector Office,
7/1, State Bank Rd, Gopalapuram,
Coimbatore, Tamil Nadu-641 018.

8. The Sub-Collector,
Sub-Collector Office, Pollachi-642 001.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of Respondent No.2, the Coimbatore District Collector / Inspector of Panchayats in Na.Ka.No.388/2022/m 3, dated 29.06.2022, and to quash the same.

For Petitioner : M/s. Sudha Gandhi

For R2, R5 to R8 : Mr. S. Arumugam
Government Advocate

For R3 and R4 : Mr. T. N. C. Kaushik

ORDER

This Writ Petition has been filed for the issue of Writ of Certiorari, calling for the records of Respondent No.2, the Coimbatore District Collector / Inspector of Panchayats in Na.Ka.No.388/2022/m 3, dated 29.06.2022, and to quash the same.

2. Heard the learned counsel for the petitioner as well as the learned

Government Advocate for the respondents 2, 5 to 8 and the learned counsel for the respondents 3 and 4.



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3.The subject matter of challenging in the present Writ Petition pertains to the proceedings of the second respondent dated 29.06.2022, wherein the petitioner who is the Vice President of the Panchayat has been removed as a signing authority and in his place, the BDO was permitted to sign the cheques.

4.The main ground raised by the learned counsel for the petitioner is that the first respondent who is the Panchayat President was pressurizing the petitioner to sign in cheques for payment towards works which were not done and the first respondent was attempting to attach the photocopies of the old works done to the new bills in the name of the relatives of the Panchayat Board members. The petitioner has been giving complaint in this regard to the BDO as well as the District Collector from the year 2020 onwards. Based on the complaint, an enquiry was also conducted by the BDO and thereafter, the complaint given by the petitioner never saw the light of the day. It is further alleged that whenever the petitioner refused to sign the cheques, his salary cheques were kept in abeyance and thereby, the petitioner was subjected to pressure and harassment.

5.One of the Board member filed a complaint in the year 2022 to the effect that the petitioner is not signing the cheques. Based on this complaint, an explanation was sought for and the petitioner also gave the explanation stating all



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the above facts. Ultimately, the impugned order came to be passed by the second respondent withdrawing the cheque signing powers of the petitioner and allowing the BDO to sign the cheques.

6. On carefully going through the impugned order passed by the second respondent, it is seen that the second respondent has not dealt with some of the serious allegations that have been made by the petitioner against the President of the Panchayat. The second respondent ought to have gone into those allegations since the petitioner refused to sign the cheques on the ground that bogus bills were raised and the amount was sought to be paid for works which never took place. If the allegations made by the petitioner are true, a Vice President of the Panchayat cannot be expected to mechanically sign cheques after knowing that the payments are attempted to be made towards bogus bills. If the signing power is withdrawn on this ground, even a honest Vice President who wants to contribute something towards the local body will be pressurized to sign the cheques and consequently, the Vice President must yield to the illegalities and irregularities done by the Panchayat President and other office bearers.

7. Whenever a complaint is received by the District Collector on the ground that the signing authority is refusing to sign cheques, it is the duty of the District Collector to enquire as to why the signing authority is refusing to sign.



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If it is found that the signing authority is made to sign those cheques which are fraudulent, the District Collector as the Inspector of Panchayat is expected to take action against the concerned President in line with Section 205 of the Tamil Nadu Panchayats Act, 1994. Only then, there will be some check and balance in managing the affairs of the Panchayat.

8. In view of the above, there shall be a direction to the second respondent namely the District Collector to conduct an enquiry on the complaint made by the petitioner against the Panchayat President by calling for the explanation from the Panchayat President. If the District Collector is not convinced with the explanation, it is the duty of the District Collector to proceed further in accordance with Section 205 of the Tamil Nadu Panchayats Act, 1994. If the petitioner had a valid reason for not signing the cheques in the light of the allegations made against the Panchayat President and the Collector is also convinced with those allegations, the second respondent has to necessarily reconsider the impugned proceedings dated 29.06.2022.

9. In the light of the above discussion, the matter is remanded back to the file of the second respondent namely the District Collector, Coimbatore and the District Collector is directed to enquire on the complaint made by the petitioner against the first respondent namely the Panchayat President.



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Depending upon the further course of action taken against the Panchayat President, the impugned order passed in Na.Ka.No.388/2022/m3, dated 29.06.2022 shall also be reconsidered. This process shall be completed by the second respondent within a period of six weeks from the date of receipt of a copy of the order. In the meantime, the present arrangement that has been made by allowing the BDO to counter sign the cheques shall continue.

10.The petitioner is directed to make a fresh complaint before the second respondent by stating all the relevant facts along with the connected documents. The petitioner shall also annex the earlier complaints that were given and also a copy of this order. The second respondent shall act upon the same in the manner stated supra.

11.This Writ Petition is disposed of accordingly with the above directions. Consequently, the connected Miscellaneous Petition is closed. No Costs.

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Anu
Speaking / Non Speaking order
Index : Yes / No



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To

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