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W.P.No.23718 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.23718 of 2023

and

W.M.P.Nos.23231 and 23232 of 2023

Akila

... Petitioner

VS.

- 1.The District Collector/Inspector of Village Panchayat,
Nagapattinam District
Nagapattinam
- 2.The Sub Collector
Nagapattinam District
Nagapattinam
- 3.The Block Development Officer (Village Panchayat),
Killaiyur,
Nagapattinam District
- 4.The Assistant Director (Panchayat),
Nagapattinam District
Nagapattinam
- 5.The Tahsildar,
Kelvelur,
Nagapattinam District



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6. The Village Secretary,
Vilundhamavadi Village Panchayat,
Vilundhamavadi,
Nagapattinam District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the 5th respondent in issuance of the impugned Proceeding No. Na.Ka.2652/2023/A3 dated 12.07.2023 issued by the 5th respondent on 12.07.2023 as well as the Notice dated 25.07.2023 in Na.Ka.2652/2023/A3 issued by the 5th respondent and Quash the same as Illegal, Unconstittional and Unsustainable in law.

For Petitioner : Mr.R.Srinivas
Senior Advocate
for Mrs.S.Sithirai Anandam

For R1, R2, R4
and R5 : Mr.N.Naveenkumar
Government Advocate

For R3 and R6 : Mrs.C.Mythreyi Chandru
Special Government Pleader

ORDER

The writ petition is filed challenging the impugned proceedings issued by the 5th respondent dated 12.07.2023 directing the petitioner to submit her explanation regarding complaint made by the Members of the Panchayat against her and also notice dated 25.07.2023 issued by the 5th respondent



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convening meeting for considering the No Confidence Motion against him.

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2. The learned Senior Counsel appearing for the petitioner submitted that meeting of the Panchayat for consideration of No Confidence Motion was convened by the 5th respondent, even without any submission of the representation by the required number of Panchayat Members. The learned Senior Counsel also by taking this Court to Section 211 of the Tamil Nadu Panchayats Act, 1994 submitted that in order to move No Confidence Motion against the Vice President of the Village Panchayat, there shall be a written notice by not less than 3/5th Members of the Village Panchayat expressing their intention to move such No Confidence Motion. In the case on hand, the reference cited by the 5th respondent in the impugned communication, the notice appears to have been signed only by two Members out of sanctioned Nine Members of the Panchayat. Therefore, the condition precedent for convening the meeting for considering No Confidence Motion is not satisfied.

3. Mr.N.Naveenkumar, learned Government Advocate appearing for the respondents 1, 2, 4 and 5 produced the copy of the letter



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submitted by the Members of the Panchayat expressing their intention to move No Confidence Motion against the Vice President dated 12.06.2023.

The said letter was signed by Six Ward Members of the Panchayats out of total strength of Nine Members.

4. In such circumstances, the condition mentioned under Section 211 (2) of the Tamil Nadu Panchayats Act, 1994 is satisfied. Therefore, the said legal submission made by the learned Senior Counsel for the petitioner is not acceptable to this Court.

5. During the course of arguments, the learned Government Advocate appearing for the respondents 1, 2, 4 and 5 also on instructions submitted that pursuant to the impugned communication, meeting of the Panchayat was convened on 10.08.2023 and No Confidence Motion had been passed against the petitioner. If No Confidence Motion is passed with the support of not less than 4-5 Members of the Village Panchayat as contemplated under Section 211 (13) of the Tamil Nadu Panchayats Act, 1994, it is for the 1st respondent to further action in accordance with law. Therefore, if the petitioner has got any grievance with regard to the manner of passing of No



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Confidence Motion by the Panchayat, it is for her to submit her objection before the 1st respondent and after considering the objection of the petitioner, the 1st respondent has to take necessary action in accordance with law as contemplated under Section 211 (13) of the Tamil Nadu Panchayats Act, 1994.

6. With these observations, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

24.08.2023

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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S.SOUNTHAR, J.

dm

To

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