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W.P.No.24414 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.24414 of 2023

S.Maragatham

... Petitioner

Versus

1.The District Collector,
Tiruppur District,
Tiruppur.

2.The District Revenue Officer,
Collectorate,
Tiruppur-641 604.

3.The Tahsildar,
Udumalpet Taluk,
Tiruppur District.

4.V.Kannamani,
Revenue Tahsildar,
Udumalpet Taluk,
Tiruppur District.

5.The President,
Bodipatti Village Panchayat,
Udumalpet Taluk,
Tiruppur District.

6.D.Soundararajan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
to issue an order or direction more particularly in the nature of Writ of



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Mandamus directing Respondents 1 and 2 to initiate disciplinary proceedings against the 4th respondent for his wilful disobedience to the directions of the 1st respondent in his proceedings Na.Ka.No.530/2022/A1 dated 27.03.2023 wherein he had specifically directed the 4th respondent / Tahsildar to give notice of the convening of the 5th respondent /village Panchayat meeting at least 7 days before the date of the meeting as contemplated under Section 205(4) of the Tamil Nadu Panchayats Act 1994, by simply sending notice of meeting conducted on 24.04.2023 vide., his proceedings in Na.Ka.No.2085/2023/Aa4 dated 17.04.2023 to the members of the 5th respondent/Village Panchayat just 6 days before the date of the meeting and serving the notice of the meeting on two members on 18.04.2023 only, thereby enabling the 6th respondent to evade the consequences of the decision of the removal from the post of the Bodipatti Village Panchayat President, by the 1st respondent/District Collector in his proceedings in Na.Ka.No.530/2022/A1, dated 04.05.2023 passed under Section 205(11) of the Tamil Nadu Panchayats Act, 1994 based on the representation of the petitioner, dated 23.06.2023.

For Petitioner	:	Mr.M.Purushothaman
For R1 to R4	:	Mr.S.Prabhakaran, Government Advocate
For R5 & R6	:	Mr.S.Rajesh, Government Advocate

ORDER

This Writ Petition has been filed to direct respondents 1 and 2 to initiate disciplinary proceedings against the 4th respondent for his wilful disobedience to the directions of the 1st respondent in his proceedings Na.Ka.No.530/2022/A1, dated 27.03.2023 wherein he had specifically directed the 4th respondent to give notice for convening the 5th respondent/Village Panchayat meeting atleast seven days before the date of



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the meeting as contemplated under Section 205(4) of the Tamil Nadu Panchayats Act 1994, by simply sending notice for meeting conducted on 24.04.2023 *vide* his proceedings in Na.Ka.No.2085/2023/Aa4, dated 17.04.2023 to the members of the 5th respondent/Village Panchayat just six days before the date of the meeting and serving the notice of the meeting on two members on 18.04.2023 only, thereby enabling the 6th respondent to evade the consequences of the decision of the removal from the post of the Bodipatti Village Panchayat President by the 1st respondent/District Collector in his proceedings in Na.Ka.No.530/2022/A1, dated 04.05.2023 passed under Section 205(11) of the Tamil Nadu Panchayats Act, 1994, based on the representation of the petitioner, dated 23.06.2023.

2.The contention of the Writ Petitioner is that in the proceedings initiated by the 1st respondent under Section 205(2) of the Tamil Nadu Village Panchayats Act, 1994, the 4th respondent has failed to serve the notice to the 6th respondent as well as the members of the village panchayat before seven days of the meeting as per Section 205(4) of the Tamil Nadu Village Panchayats Act, 1994, which resulted in setting aside the entire resolution of the 1st respondent by this Court in W.P.No.15773 of 2023 *vide*



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order, dated 05.06.2023.

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3.Heard the submissions and perused the entire records available in this Writ Petition.

4.The primary grievance of the petitioner is that the disciplinary action has to be taken against the 4th respondent since the 4th respondent has not served the notice to the members of the village panchayat before seven days of the meeting. Because of the lapse on the part of the 4th respondent, the President/6th respondent could not be removed from the village panchayat.

5.It is relevant to note that the proceedings of the 4th respondent, dated 24.04.2023 already culminated into removal of the Panchayat President/6th respondent by the 1st respondent and the same has been challenged before this Court in W.P.No.15773 of 2023. The learned Single Judge of this Court, by order, dated 05.06.2023 has found the entire procedure adopted by the 4th respondent is not according to law and set aside the order of the 1st respondent, dated 04.05.2023. This being the position,



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now the petitioner cannot seek a direction indirectly for the cause of action which has already been set aside by this Court in W.P.No.15773 of 2023.

6. Therefore, I do not find any merits in this Writ Petition. Accordingly, this Writ Petition stands dismissed. If at all any grievance, it is for the petitioner to approach the 1st respondent and not this Court by way of Writ Petition. No costs.

18.08.2023

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

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To

1. The District Collector,
Tiruppur District,
Tiruppur.
2. The District Revenue Officer,
Collectorate,
Tiruppur-641 604.
3. The Tahsildar,
Udumalpet Taluk,
Tiruppur District.

N.SATHISH KUMAR, J.



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4. The President,
Bodipatti Village Panchayat,
Udumalpet Taluk,
Tiruppur District.

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