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W.P. No. 27139 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

**W.P. No. 27139 of 2023
and
W.M.P. No. 26586 of 2023**

S.Venda

... Petitioner

-VS-

1. The Inspector of Panchayat/District Collector,
Kancheepuram.
2. The Assistant Director,
(Panchayats),
Kancheepuram.

...

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari calling for the records relating to the orders of the 1st respondent in Na.Ka.No. 570/2023/A6/u.e.(u) dated 15.03.2023 and the order in Na.Ka.No. 570/2023/A6/u.e.(u). dated 30.03.2023 and quash the same.

For Petitioner : Mrs. A.L.Gandhimathi,
Senior Counsel
for Mr. L.Palani Muthu

For Respondents : Mr. S.Arumugam,
Government Advocate



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ORDER

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Heard Mrs. AL.Gandhimathi, Learned Senior Counsel appearing for the Petitioner and Mr. S.Arumugam, Learned Government Advocate appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner has been elected as President of Aiyangarkulam Panchayat and as per Section 188(3) of the Tamil Nadu Panchayats Act, 1994 (hereinafter referred to as 'the Act' for short), she is a joint signatory along with Vice-President of that Panchayat to sign cheques of the funds in its bank accounts. Since the Petitioner was arrested on 14.03.2023 on the charges of receiving illegal gratification for grant of approval for building plan, the First Respondent by Proceedings in Na. Ka. No. 570/2023/A6/Vu.E.(Voo) dated 15.03.2023 ordered that the Vice-President of the Panchayat, viz., A.Somasundaram, shall perform the duties of the President and a meeting of the Panchayat was called to nominate one of its ward members as a joint signatory of the cheques of the funds in its bank account in the place of the Petitioner. In furtherance to Proceedings No. 1147/2023/Aa1 dated 14.03.2023 of the Block Development Officer, Kanchipuram Panchayat Union informing that the



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Member of Ward No. 1, viz., V.Thirunavukarasu, had been nominated by the

Panchayat to be the joint signatory of the cheques of the funds in its bank account in terms of Section 188(3) of the Act, the First Respondent by Proceedings in Na. Ka. No. 570/ 2023/A6,VuE(Voo) dated 30.03.2023 has held that the said arrangement would be in force till the Petitioner resumes charge, or for a period of six months from that date, whichever falls earlier, and the matter would be then reviewed and fresh order would be passed thereafter.

3. That apart, explanation was called from the Petitioner in Show Cause Notice in Na. Ka. No. 570/ 2023/A6,VuE(Voo) dated 30.03.2023 as to why she should not be removed from the office of the President of the Panchayat in the exercise of powers under Section 205 of the Act. According to the Petitioner, she was released on bail by the jurisdictional Criminal Court on 30.03.2023 and she had submitted her explanation to the said show cause notice by letter dated 10.04.2023 in which she had also sought for her reinstatement in office.

4. Subsequently, the Second Respondent by Proceedings in Na. Ka. No. 570/2023/ A 6 Vu.E.(Voo) dated 03.07.2023 informed the Petitioner that she would have to await advice from the Commissionerate of Panchayat for further course of action in the matter.



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5. While the matter stood as narrated supra, the Petitioner has on 12.09.2023 challenged the aforesaid proceedings dated 15.03.2023 and 30.03.2023 passed by the First Respondent without reference to the subsequent proceedings dated 03.07.2023 of the Second Respondent.

6. When it was pointed out that in the absence of challenge to the subsequent proceedings dated 03.07.2023, it would not be possible to interfere with the earlier proceedings dated 15.03.2023 and 30.03.2023, Learned Senior Counsel appearing for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioner to also challenge the proceedings dated 03.07.2023 from the Second Respondent and Learned Counsel for the Petitioner has made an endorsement to that effect in the court record.

In view of the same, the Writ Petition is dismissed as withdrawn with the aforesaid clarification. Consequently, the connected Miscellaneous Petition is closed. No costs.

06.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 08.01.2024.

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To

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1. The Inspector of Panchayat/District Collector,
Kancheepuram.
2. The Assistant Director,
(Panchayats),
Kancheepuram.



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P.D. AUDIKESAVALU, J.

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