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W.P.No.28686of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.09.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.28686 of 2023

A.C.Ramachandran

...Petitioner

Vs.

1.The District Collector,
Chengalpet.

2.The Assistant Director of Panchayats,
Chengalpet District,
Camp at Venpakkam.

3.The Block Development Officer,
Thiruporur.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent herein to consider the representation dated 21.09.2023 of the petitioner and allow the petitioner to perform his duties as a President of Alathur Panchayat, Thiruporur Taluk, Chengalpet District as per Section 204 (3) of the Panchayats Act.

For Petitioner

: Mr.A.R.L.Sundaresan
for L.Palanimuthu



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W.P.No.28686of 2023

For Respondents 1 & 2 : Mr.N.Naveen Kumar
Government Advocate
For Respondent 3 : Mr.Mukillan

ORDER

The petitioner herein seeks a direction to the 1st respondent to consider his representation dated 21.09.2023 and allow the petitioner to perform his duties as a President of Alathur Panchayat, Thiruporur Taluk, Chengalpet District, in the light of the provision of Section 204(3) of the Tamil Nadu Panchayat Act, 1994.

2. According to the petitioner, he is an elected President of the above said Panchayat and he is unable to carry on his function as President of the Panchayat, due to non co-operation of members of the Panchayat. In this regard, the petitioner submitted a representation on 21.09.2023, requesting the 1st respondent to take action under Section 204(3) of the Tamil Nadu Panchayats Act 1994, by permitting the petitioner to discharge the functions of the Panchayat as per provisions of Section 204(3) of the Tamil Nadu Panchayat Act, 1994. The said representation has not been considered. Therefore, the petitioner has come up with this writ petition.



W.P.No.28686of 2023

3.The learned Senior Counsel appearing for the petitioner by drawing attention of this Court to Section 204(3) of the Tamil Nadu Panchayats Act, 1994, submits that if the Inspector is satisfied that due to non co-operation of the members of the Panchayat with the President, the Village Panchayat is not able to function, the Inspector can authorise the President to perform the duties of the Panchayat for a period not exceeding six months. Therefore, the representation of the petitioner shall be considered on merits and orders shall be passed under Section 204(3) of the Tamil Nadu Panchayats Act, 1994.

4.Mr.Mukillan, learned counsel takes notice for the 3rd respondent. Mr.N.Naveen Kumar, learned Government Advocate, who is taking notice for the respondents 1 & 2 submits that the representation of the petitioner was received by the 2nd respondent only on 22.09.2023 and the same will be considered and orders will be passed in accordance with law within a reasonable time.

5. In view of the said stand taken by the learned Government Advocate appearing for the respondents, this Court without expressing any opinion on the merits of the claim made by the petitioner, is inclined to direct the 1st



W.P.No.28686of 2023

respondent to consider the representation of the petitioner dated 21.09.2023, after issuing notice to the petitioner as well as all the members of the Panchayat and pass final orders on merits and in accordance with law within a period of four weeks from the date of receipt of copy of this order.

6. With the above directions, the writ petition stands disposed of. No costs.

29.09.2023

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



W.P.No.28686of 2023

To

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W.P.No.28686of 2023

S.SOUNTHAR, J.
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W.P No.28686 of 2023

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