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W.P. No. 31170 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2023

CORAM

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

**W.P. No. 31170 of 2023
and
W.M.P. No. 30795 of 2023**

1. C.Chinnapillai

2.P.Rajalakshmi

3.A.Rangini

4.S.Dinesh Babu

5.G.Jayasankar

... Petitioners

-VS-

1. The District Collector and Inspector of Panchayat,
Kallakurichi Collectorate,
Kallakurichi District – 606 202.

2. The Tahsildar,
Sankarapuram Taluk,
Kallakurichi District – 606 402.

3. M.R.Jayakumar

4. Santha
Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the 1st respondent to



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exercise his jurisdiction under Section 205(11) and 206 of the Tamil Nadu Panchayats Act, 1994 in relation to the 3rd and 4th Respondents based on the report of the meeting held on 20.07.2023 by the 2nd respondent under Section 205 (10) and 206 of the Tamil Nadu Panchayats Act, 1994 by observing the principles of natural justice within the time frame to be fixed by this Hon'ble Court.

For Petitioners : Mrs. C.Uma

For Respondents : Mr. S.Arumugam,
Government Advocate

ORDER

Heard Mrs. C.Uma, Learned Counsel for the Petitioners 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. Though notice has been sent to the Third and Fourth Respondent in furtherance to the order passed on 02.11.2023 by the Court having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to them, it would not be necessary to await its outcome.



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3. The Petitioners are elected members of Mookanur Panchayat in Kallakurichi District. According to them, action had been taken invoking Sections 205 and 206 of the Tamil Nadu Panchayats Act, 1994 (hereinafter referred to as 'the Act' for short) for removal of the Third and Fourth Respondents from the posts of President and Vice-President of that Panchayat respectively, but despite receipt of the report of the meeting of that Panchayat held on 20.07.2023 as per Section 205(10) of the Act from the Second Respondent, no further steps have been taken thereafter, which has necessitated the filing of this Writ Petition.

4. At this juncture, it would be useful to recapitulate the dictum laid down by the Full Bench of this Court in ***District Collector -vs- Devi Parasuraman*** [(2009) 4 CTC 609] which reads as follows:-

“17.

- (i) *An act of the Inspector under Section 205 is quasi-judicial in nature;*
- (ii) *If the Inspector is satisfied with the explanation submitted by the President under Section 205, he is*



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required to record his satisfaction for dropping the proceeding; and

(iii) If the Inspector differs with the views expressed by the Village Panchayat and decides to remove the President or to drop the proceeding against the President, he is not only required to record the reasons for differing with the views of the Village Panchayat, but before taking any decision to remove the President, the Inspector is also required to provide further notice to the President intimating the reasons for difference and can issue notification only on consideration of cause, if any, shown by the President. ”

5. Learned Government Advocate appearing for the First and Second Respondents, on instructions, states that the prescribed procedure would be duly followed and appropriate measures undertaken for completing the proceedings initiated under Section 205 of the Act within a period of 30 days from today. He has also filed a memo dated 06.11.2023 to that effect, which is



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placed on record.

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6. In view of the same, it shall be incumbent upon the First Respondent to carry out the aforesaid exercise within the agreed time and file a report of compliance before the Registrar (Judicial) of the Court.

In fine, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

07.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 08.01.2024.

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To

1. The District Collector and Inspector of Panchayat,
Kallakurichi Collectorate,
Kallakurichi District – 606 202.
2. The Tahsildar,
Sankarapuram Taluk,
Kallakurichi District – 606 402.



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P.D. AUDIKESAVALU, J.

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