



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P Nos.33247 of 2022 & 5729 of 2023
and WMP Nos.32673 of 2022, 3234, 5731, 11229 & 11225 of 2023

M.Bala
W/o.Murthy
Vice President of Village Panchayat
Vengikkal Panchayat
Thiruvannamalai Union
Thiruvannamalai Panchayat

... Petitioner
in both Petitions

vs.

1.The Inspector of Panchayat
The District Collector
Thiruvannamalai District
Thiruvannamalai

2.The Assistant Director of Panchayat (Panchayats)
Thiruvannamalai District
Thiruvannamalai

3.The Block Development Officer
Vengikkal Panchayat
Thiruvannamalai Union
Thiruvannamalai Panchayat

4.The Tahsildar
Thiruvannamalai Taluk Office



Thiruvannamalai

5.T.Shanthi
President of Vengikkal Village Panchayat
Thiruvannamalai Panchayat Union
Thiruvannamalai
Thiruvannamalai District.

6.S.Manju
11th Ward Member
Vengikkal Village Panchayat
Thiruvannamalai Panchayat Union
Thiruvannamalai
Thiruvannamalai District.

... Respondents
in both Petitions

Prayer in W.P No.33247 of 2022: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records relating to the impugned notification in Aa1/6323/2022 dated 21.11.2022 of the 4th Respondent herein and quash the same.

Prayer in W.P No.5729 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records relating to the impugned order in Na.Ka.No.2388/2020/A2/UE(P)T.Ko. Dated 21.10.2022 of the 1st Respondent herein and quash the same and restore the cheque signing power of the Petitioner as Vice President, Vengikkal Village Panchayat, Thiruvannamalai District.



3

For Petitioner : Mr.L.Chandrakumar
for Mr.P.Pandiyaraj

For Respondents : Mrs.S.Mythreye Chandru
(for R1, R2 & R4)
Special Government Pleader

Mrs.R.Anitha
(for R3 in W.P No.33247 of 2022)
Special Government Pleader

Mr.M.Murali
(for R3 in W.P No.5729 of 2023)
Government Advocate

Mr.Richardson Wilson (for R5)

Mr.G.Dinesh (for R6)

COMMON ORDER

The issue involved in both the writ petitions are inter-connected and hence, they are taken up together, heard and disposed of through this common order.

2. WP No.33247 of 2022 has been filed questioning the impugned notification dated 21.11.2022 issued by the 4th



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respondent calling for a non-confidence motion against the petitioner, who is the Vice President of the village panchayat.

3. WP No.5729 of 2023 has been filed against the impugned order passed by the 1st respondent dated 21.10.2022 withdrawing the cheque signing power of the petitioner, who is the Vice President of Vengaikkal village panchayat, Thiruvannamalai District.

4. The main on ground on which the petitioner had questioned the no-confidence motion notice issued by the 4th respondent is that it is not in compliance with the mandatory procedure prescribed under Section 211 of the Panchayat Act.



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5. When the matter was taken up for hearing, the learned Special Government Pleader appearing on behalf of respondents 1, 2 and 4 submitted that the impugned notice dated 21.11.2022 is withdrawn and a fresh notice will be issued by the 4th respondent after complying with the mandatory procedure as provided under the Act.

6. In view of the submissions made by the learned Special Government Pleader, it is not necessary for this Court to go into the merits of the case. It will suffice if the submissions made by the learned Special Government Pleader is recorded and it is left open to the 4th respondent to issue fresh notice strictly in accordance with law.

7. Insofar as the dispute in WP No.5729 of 2023 is concerned, an interim order was passed by this Court and thereby, the signing power of the petitioner, who is the Vice



President of the Panchayat was retained by this Court. The learned counsel for the petitioner submitted that inspite of interim orders passed by this Court, the petitioner was not permitted to sign the cheques.

8. Per contra, the learned Special Government Pleader appearing on behalf of respondents 1, 2 and 4 and the learned Government Advocate appearing on behalf of 3rd respondent submitted that the petitioner was infact permitted to sign the cheques and that the petitioner refused to sign the cheques and thereby, is obstructing the functioning of the panchayat. The stand that was taken by the 3rd respondent in the counter affidavit at Paragraph No.8 was also pointed out to this Court.

9. The learned counsel for petitioner submitted that the petitioner never refused to sign the cheques and that



the petitioner is willing to co-operate in the smooth functioning of the panchayat and that an affidavit to that effect has also been filed before the District Collector.

10. In the considered view of this Court, by virtue of the orders in WP No.33247 of 2022 and by virtue of the interim orders passed in WP No.5729 of 2023, the Vice President can be permitted to continue to sign the cheques and the undertaking given by the petitioner before the District Collector shall be strictly complied with and the petitioner shall ensure the smooth functioning of the panchayat. Ultimately, based on the final result on the no confidence motion, the status of the petitioner will be determined and till then, the petitioner will function as the Vice president by exercising the cheque signing power.



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11. Both the writ petitions are disposed of in the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

13.06.2023

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

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To

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