



WEB COPY



W.P.No.34874 of 2022 and W.P.No.3425 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.34874 of 2022 and W.P.No.3425 of 2023

and

W.M.P.Nos.34290, 34291 & 34293 of 2022 and W.M.P.Nos.3489 & 3491 of 2023

W.P.No.34874 of 2022

U.Umarani

... Petitioner

Vs.

1.The District Collector/Inspector of Panchayaths,
Dharmapuri District – 636 705.

2.The Block Development Officer,
Village Panchayaths,
Morappur Union,
Dharmapuri District – 635 305.

3.The Zonal Deputy Block Development Officer (Unit-3),
Morappur Union,
Dharmapuri District – 635 305.

4.Vinotha

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records in Na.Ka.No.1856/2020/A1 dated 07.12.2022 on the file of the first respondent and quash the same and consequently direct the first respondent to make third respondent to be the co-signing authority along with the petitioner to withdraw funds from all



accounts of Morappur Panchayath, Morappur Union, Dharmapuri District to carry out all the works and also to incur necessary expenses relating to the said Panchayath.

For Petitioner : Mr.P.L.Narayanan, Senior Counsel
for Mr.J.Bharathi Raja

For Respondents : Mrs.R.Anita, for R1
Special Government Pleader
Mr.Sanjay Gandhi, for RR2 & 3
Additional Government Pleader

W.P.No.3425 of 2023

Vinodha

... Petitioner

Vs.

1.The District Collector/Inspector of Panchayaths,
Dharmapuri District,
Dharmapuri.

2.The Block Development Officer,
Village Panchayaths,
Morappur Union,
Dharmapuri District – 635 305.

3.The Zonal Deputy Block Development Officer (Unit-3),
Morappur Union,
Dharmapuri District – 635 305.

4.U.Umarani

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the first respondent dated 07.12.2022 in proceedings in



Na.Ka.No.1856/2020/A1 quash the same insofar as the petitioner is concerned and direct the first respondent to restore the cheque signing power of the petitioner.

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For Petitioner : Mr.S.Doraiswamy

For Respondents : Mr.P.L.Narayanan, for R4
Senior Counsel
for Mr.J.Bharathi Raja
Mr.P.Sanjay Gandhi, for RR2 & 3
Additional Government Pleader

COMMON ORDER

These two writ petitions have been filed challenging the order passed under Section 203 of the Tamil Nadu Panchayats Act, by invoking emergency power of the Inspector and removing the cheque signing power. The orders have been mainly passed on the ground that as there is a rift between the President and Vice President and they are not cooperating with each other. As a result, the Administration of Panchayat become standstill, therefore, the orders have been passed.

2. It is the contention of the petitioner in W.P.No.34874 of 2022 that the order itself passed holding that the Vice President is not cooperating in signing the cheques. Having found that the Vice President is not cooperating, the Collector passed an order, removing the powers of the President. According to the writ petitioner, such order is not in accordance with law.



3.

The writ petitioner in W.P.No.3425 of 2023 submits that the cheques have been prepared without any proper vouchers. Therefore, the Vice President has questioned the same and the orders have been passed.

4.

As both the President and Vice President challenged this order, the counsel appearing for the respondents would submit that the orders came to be passed only due to the non cooperation of President and Vice President. Due to difference between them, the entire Administration of the Panchayat has become standstill. Therefore, the Collector has passed such an order. However, it is fairly submitted that if both of them cooperate with each other and ensure that functioning of the Panchayat is not interrupted by their act, the power of the cheque signing will be restored.

5.

Today, when the matter came up before this Court, both the writ petitioners have filed individual affidavit before this Court that they will cooperate with each other. The only grievance of the Vice President is that the cheques have not been prepared with necessary supportive documents. Whereas, it is contention of the President that despite, necessary documents, cheques have not been signed. The Vice President along with some other members, is acting against the President and he is not cooperating.



6.

In such view of the matter, as both of them have given an undertaking before this Court and filed an affidavit, the District Collector shall restore the power of cheque signing to the President as per the statute. It is made it clear that if any cheque being prepared and to be issued on behalf of the Panchayat, the same shall be supported by necessary documents. Even after such documents are produced, the cheque has been prepared and the Vice President does not co-operate with the President, the Collector can very well nominate any other person along with the President to exercise the power for signing the cheque. It is made clear that if any dispute cropped up between the President and Vice President, the Collector can decide the issue on its own merits and pass a final order.

7. With the above direction, the writ petitions are disposed of.

Consequently, connected miscellaneous petitions are closed. No costs.

07.02.2023

Index :Yes/No

Neutral Citation: Yes / No

AT



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N.SATHISH KUMAR, J.

AT

To

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