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W.P. No. 33626 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

CORAM

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

**W.P. No. 33626 of 2023
and
W.M.P. No. 33460 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 Certiorarified Mandamus, calling for the records relating to the order dated 03.07.2023 in Na. Ka. No. 570/2023/A6/u.e (u) of the Second Respondent herein and quash the same and consequently direct the Respondents herein to forthwith restore the powers of the Petitioner as President of the Aiyangar Kulam Panchayat, Kancheepuram Panchayat Union.



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For Petitioner : Mrs. AL.Ganthimathi,
Senior Counsel
for Mr. L.Palani Muthu

For Respondents : Mr. M.Alagu Gowtham,
Government Advocate

ORDER

Heard Mrs. AL.Ganthimathi, Learned Senior Counsel appearing for the Petitioner and Mr. M.Alagu Gowtham, 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 account. 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



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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 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 that 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.



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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. In that backdrop, the Petitioner has on 21.11.2023 filed this Writ Petition challenging the Proceedings in Na. Ka. No. 570/2023/ A 6 Vu.E.(Voo) dated 03.07.2023 received from the Second Respondent and has sought for consequential direction to restore her powers to function as the President of Aiyangarkulam Panchayat.

5. It is evident from the Proceedings in Na. Ka. No. 570/2023/A6,VuE(Voo) dated 30.03.2023 issued by the First Respondent that the said order would lapse on the expiry of six months and the matter would be then reviewed and fresh order would be passed thereafter. The said period of six months has lapsed on 30.09.2023 and according to Learned Senior Counsel appearing for the Petitioner, there is no intimation of the further course of action taken in the matter despite requiring the Petitioner to await the same in the Proceedings in Na. Ka. No. 570/2023/ A 6 Vu.E.(Voo) dated 03.07.2023 received from the Second Respondent. In light of that fact situation, it shall be incumbent upon the First Respondent, after affording full opportunity of personal hearing to the Petitioner, to forthwith inform her regarding the



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exercise of review undertaken in terms of the Proceedings in Na. Ka. No. 570/

2023/A6,VuE(Voo) dated 30.03.2023, within a period of 10 days from the date of receipt of copy of this order and depending upon its outcome, the Petitioner may, if necessary, pursue her available remedies before the proper forum in accordance with law. It is needless to add here that no view has been expressed by the Court on the merits of the controversy involved in the matter.

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

11.12.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 08.01.2024.

vjt

To

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



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P.D. AUDIKESAVALU, J.

vjt

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