



W.P.(MD)No.3825 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.3825 of 2021

K.Sakthivel

... Petitioner

Vs.

- 1.The District Collector,
O/o.The District Collectorate,
Madurai District.
- 2.The Assistant Director Rural Development Officer,
Village Panchayath ,
O/o.Assistant Director Rural Development Office,
Village Panchayath, Madurai District
- 3.The Block Development Officer
Mellur Panchayath Union,
Melur, Madurai.
- 4.The President
Narasingampatti Panchayath, Mellur,
Panchayath Union, Madurai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the Respondent No.1 From passing any order on the application of the respondent No.3 for change in powers conferred to Vice President, Narasingampatti



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Pamchayath, Mellur Panchayath Union, without hearing the petitioner within the time period stipulated by this Court.

For Petitioner : Mr.S.Rajasekar

For R-1 to R-4 : Mr.A.K.Manikkam,
Special Government Pleader

ORDER

This Writ Petition has been filed for the issue of writ of mandamus forbearing the first respondent from passing any order on the application submitted by the third respondent seeking for withdrawing the cheque signing powers of the Vice President.

2. The case of the petitioner is that he is the Vice President of the Narasingam Panchayat. The petitioner had made various representations to respondent Nos.1 to 3 by complaining the alleged irregularities committed by the fourth respondent, who is the President of the Panchayat. In view of the same, the fourth respondent had developed an ill will against the petitioner. The fourth respondent was forcing the petitioner to sign a few cheques which were not borne out by genuine receipts. The petitioner was not willing to become a party to the illegal transactions. It is under these circumstances, the fourth respondent



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attempted to bring a resolution to withdraw the cheque signing powers of the petitioner and to assign that power in favour of one A.Vasantha. Immediately, after this action was taken, the petitioner made a detailed representation to the respondents to stop the fourth respondent from proceeding further to pass such a resolution against the petitioner. Since the same was not considered, the present Writ Petition has been filed.

3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

4. The learned counsel appearing for the petitioner submitted that during the pendency of this writ petition, the Resolution was not brought forth and it was not passed by the Panchayat. However, the fourth respondent has taken all steps to somehow withdraw the cheque signing powers of the Vice President. The learned counsel appearing for the petitioner relied upon the Judgment of this Court in the case of ***T.Kumaravelu Vs. the Chief Executive officer / Collector of Cuddalore District and others*** reported in ***2004-3-L.W.171*** and the Judgment of this Court in the case of ***Pugazhendran, President, Brammapuram, Village***



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Panchayat, Katpadi Panchayat Union, Katpadi Taluk, Vellore District

Vs. B.G.Balu, and others reported in ***2005 (1) CTC 545*** and submitted that the cheque signing powers of the Vice President cannot be withdrawn on flimsy grounds and it requires mandatory compliance of the procedure that has been prescribed under the Tamil Nadu Panchayat Act, 1994.

5. Taking into consideration the facts and circumstance of the case and the nature of grievance that has been expressed by the petitioner, it will be more appropriate to direct the first respondent to deal with the representation made by the petitioner on 23.01.2021 and take a decision in accordance with law. The first respondent has to necessarily deal with this representation, since the resolution itself can be passed only with the prior approval of the first respondent. Therefore, if the first respondent is appraised of happenings in the Panchayat, it will be more easier for the first respondent to deal with the situation and take an appropriate decision in this regard. The first respondent shall take a decision in this regard within a period of four (4) weeks from the date of receipt of a copy of this order.



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6. This Writ Petition is disposed of with the above directions.

No costs.

12.10.2023

NCC:yes/no

Index:yes/no

Internet:yes/no

tsg

To

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