

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.(MD)No.4995 of 2023

and

W.M.P.(MD)Nos.4661 and 4662 of 2023

Karuppiah

... Petitioner

Vs.

1. The Inspector of Panchayat / The District Collector,
Office of the District Collectorate,
Sivagangai,
Sivagangai District.
2. The Assistant Director of Panchayat,
District Collector Office Campus,
Sivagangai,
Sivagangai District.
3. The Tahsildar,
Tahsildar Office,
Kalaiyarkovil,
Sivagangai District.
4. The Block Development Officer,
Block Development Office,
Kalaiyarkovil,
Sivagangai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records pertaining to the impugned notice passed by the third respondent vide office proceedings in Na.Ka.A1/894/2023, dated 02.03.2023 and quash the same as illegal.

For Petitioner : Mr.M.Lakshmi Shankar
for Mr.R.Karunanidhi

For Respondents : Mr.N.Muthu Vijayan
Spl. Govt. Pleader for R1 to R3
Mrs.D.Farjana Ghoushi
Spl. Govt. Pleader for R4

ORDER

This Writ Petition has been filed in the nature of certiorari seeking interference with the notice issued by the third respondent / Tahsildar, Kalaiyarkovil, Sivagangai District in Na.Ka.A1/894/2023, dated 02.03.2023.

2. The petitioner, in his affidavit, had stated that he had contested for Tamil Nadu Local Body Election (Rural) for the post of Village Panchayat President in Melamangalam Village Panchayat, Kalaiyarkovil Block, Sivagangai District. He was successful in the election. He had taken oath of office as Village Panchayat President on 06.01.2020. He stated that

the first respondent / Inspector of Panchayats / District Collector had issued a notice under Section 205 (1) (b) of the Tamil Nadu Panchayats Act, 1994 and that was questioned by the petitioner herein by filing W.P.(MD)No.6293 of 2022.

3. During the hearing of the Writ Petition, the said notice was withdrawn by the Inspector of Panchayats / District Collector and consequently, the Writ Petition was disposed of. Thereafter, on 08.04.2022, the first respondent / Inspector of Panchayats / District Collector, had issued another notice, but this time, under Section 205(1)(a) of the Tamil Nadu Panchayats Act, 1994 stating that there were irregularities in the financial transactions in the village accounts. The petitioner had requested copies of the documents to be given to him to enable effective remedy to be given. This was by representation dated 18.04.2022.

4. While that request was still pending on the file of the first respondent, the third respondent had issued the notice complained in this Writ Petition, which was dated 02.03.2023 stating that an enquiry is

contemplated to be conducted on 13.03.2023 in his office stating that this enquiry is being proposed to be conducted in the face of documents that have not been furnished to the petitioner herein. A Writ Petition has been filed.

5. During the course of hearing, the learned Special Government Pleader had stated that the documents shall be furnished to the petitioner herein and the matter was adjourned. Today, it is stated by the learned counsel for the petitioner that the documents had been actually furnished.

6. Both the learned Special Government Pleaders who had appeared on behalf of the respondents also confirmed that particular fact.

7. Owing to the fact that it is imperative that the petitioner will now have to reply on the basis of the documents which have been furnished to him to the notice issued by the first respondent under Section 205(1)(a) of the Tamil Nadu Panchayats Act, 1994, the notice issued by the third respondent / Tahsildar about the enquiry on 13.03.2023 or on subsequent

date become *otiose*. It is also stated that the Tahsildar had withdrawn the said notice.

8. In view of all these circumstances, since the petitioner has now been given necessary documents, it is required that he should reply to the notice issued to him on 08.04.2022 under Section 205 (1) (a) of the Panchayats Act, 1994.

9. The learned counsel for the petitioner stated that some reasonable time could be given to the petitioner herein.

10. Having heard the learned counsel for the petitioner and the learned Special Government Pleaders on behalf of the respondents, time is granted till **13.04.2023** for the petitioner to give reply to the notice directly to the first respondent / Inspector of Panchayats / District Collector to the notice issued under Section 205 (1) (a) of the Tamil Nadu Panchayats Act, 1994, on 08.04.2022.

11. The petitioner may keep in mind that the documents have been furnished to him and the *onus* now should go to him to give an effective reply.

12. On such reply being furnished, the first respondent / Inspector of Panchayats / District Collector may act in accordance with the provisions of law and take appropriate decisions. No further orders are required.

13. The Writ Petition stands disposed of. The notice complained in the Writ Petition issued by the third respondent had been withdrawn by the third respondent. Issue of certiorari will not arise. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

24.03.2023

NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

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