



W.P(MD)No.14380 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14380 of 2023

and

W.M.P(MD)Nos.12184, 12185 & 13991 of 2023

R.Chandran

... Petitioner

Vs.

- 1.The District Collector /
Inspector of Panchayats,
Sivagangai District.
- 2.The Block Development Officer,
(Thiruppathur Panchayat Union,
Thiruppathur),
Sivagangai District.
- 3.The President,
Kandavarayanpatti Panchayat,
Thiruppathur Taluk,
Sivagangai District.
- 4.Manickavalli

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorari, to call for the records of



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the impugned order in Na.Ka.No.A7/2270/2022 dated 15.05.2023 of the first respondent and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.Veera.Kathiravan
Additional Advocate General
Assisted by Mr.V.Nirmal Kumar
Government Advocate for R.1 & R.2

Mr.D.Sadiq Raja for R.3

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Advocate General assisted by the learned Government Advocate appearing for the respondents 1 to 3.

2. *Vide* the impugned proceedings dated 15.05.2023 issued by the District Collector, Sivagangai in his capacity as Inspector of Panchayats, the cheque signing power of the writ petitioner has been withdrawn. The petitioner was elected as Vice President of Kandavarayanpatti Panchayat in Thirupathur Taluk.



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3. I do not want to go into the merits of the matter. The Hon'ble Division Bench in the decision reported in **2005 (1) CTC 545 (Pugazhendran Vs B.G.Balu & Others)** had held that issuance of notice by the District Collector before passing any order withdrawing the cheque signing power of the President / Vice President is necessary. In this case, the District Collector, Sivagangai District failed to issue notice to the writ petitioner. Only on this ground I am interfering.

4. The impugned order is set aside. The matter is remitted to the file of the first respondent. The first respondent is at liberty to issue show cause notice to the writ petitioner herein. The writ petitioner is obliged to respond to the show cause notice within the time limit stipulated in the notice. If the petitioner drags on, it will be open to the first respondent to pass order without waiting for the petitioner's response. After receipt of the writ petitioner's written response, an appropriate order shall be passed. At this stage, the learned counsel appearing for the petitioner on instructions states that the petitioner would extend his co-operation by signing the necessary cheques.



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5. This writ petition is allowed on these terms. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

18.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

- 1.The District Collector /
Inspector of Panchayats,
Sivagangai District.
- 2.The Block Development Officer,
(Thiruppathur Panchayat Union,
Thiruppathur),
Sivagangai District.



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G.R.SWAMINATHAN, J.

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