



W.P.(MD)No.18815 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.18815 of 2021

and

W.M.P.(MD)Nos.15632 of 2021, 8591, 15903 and 16346 of 2023

N.Panjavarnam

... Petitioner

vs.

1.The District Collector,
Dindigul District, Dindigul.

2.P.K.T.Vellaithai

3.Thangaraj

4.V.Rajangam

... Respondents

(R4 was impleaded vide order of this Court dated 29.10.2021 in W.M.P. (MD)No.16443 of 2021)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records, vide resolution dated 30.07.2021 passed by the second respondent and consequently approved by the first respondent Collector, Dindigul, vide proceedings in NA.KA.2289/2021/a4 dated 03.08.2021 and quash the same.



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For Petitioner	:Mr.P.Thinesh
For R1	:Mr.R.Baskaran Additional Advocate General assisted by Mr.A.K.Manikkam Special Government Pleader
For R2 and R3	:Mr.M.S.Jeyakarthik
For R4	:Mr.S.Vidhyasagar

ORDER

This Writ Petition has been filed challenging the impugned resolution dated 30.07.2021 passed by the second respondent and the proceedings of the first respondent dated 03.08.2021.

2.The petitioner is the Vice President of Parali Pudur Panchayat, Natham Taluk, Dindigul District. The petitioner did not have a cordial relationship with the President and other Ward Members. Several allegations were made by the petitioner against the second respondent and her husband to the effect that they had acted against the interest of the Panchayat and the husband of the President is also interfering with the administration of the Panchayat. The petitioner had also given a complaint in this regard before the first respondent.



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3.The grievance of the petitioner is that the second respondent proceeded to convene a meeting and a resolution was passed to the effect that the petitioner is not cooperating with the smooth administration and the affairs of the Panchayat and hence, the cheque signing power of the petitioner must be taken away and in her place, one of the senior Ward Member, namely, the fourth respondent must be assigned with the cheque signing power. Pursuant to this resolution, the first respondent through proceedings dated 03.08.2021, acted upon the resolution and took away the cheque signing power of the petitioner and it was assigned to the fourth respondent. The same has been made as a subject matter of the challenge in the present Writ Petition.

4.The first respondent has filed a counter affidavit. The first respondent has taken a stand that the petitioner has acted against the interest of the Panchayat and had refused to sign the documents and also the cheques and as a result, the entire functioning of the Panchayat came to a stand still. The first respondent has further stated that there was a personal dispute between the petitioner, who is the Vice President and the second respondent, who is the President of the Panchayat and as a result



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of this dispute, there was complete non-cooperation on the part of the petitioner and as a result, the works relating to the basic amenities got seriously affected. It is under these circumstances, the Village Panchayat had convened a meeting and a resolution was passed on 30.07.2021 to initiate appropriate action against the petitioner for her non-cooperation.

5.It is further stated in the counter affidavit that the enquiry was conducted by the Assistant Director (Panchayats), Dindigul District and the statement of the petitioner, the second respondent and other Ward Members was also taken. It came to know light that the petitioner was not cooperating in the smooth administration of the Panchayat. In view of the same, the Panchayat had passed a resolution to take away the cheque signing power of the petitioner and give it to one of the senior Ward Member, who is the fourth respondent in this Writ Petition. It is stated that this decision was taken in line with the powers given under Section 203 of the Tamil Nadu Panchayats Act, 1994 and such a decision had been taken, since the entire work of the Panchayat had come to a stand still and the Panchayat was not able to run the day-to-day affairs. Therefore, the cheque signing power, which was assigned to the



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petitioner was withdrawn by the first respondent and who taken a stand that the procedure was properly followed and only thereafter, the emergency power was exercised under Section 203 of the Tamil Nadu Panchayats Act, 1994.

6.Heard Mr.P.Thinesh, learned Counsel appearing on behalf of the petitioner, Mr.R.Baskaran, learned Additional Advocate General assisted by Mr.A.K.Manikkam, learned Special Government Pleader Learned appearing on behalf of the first respondent, Mr.M.S.Jeyakarthik, learned Counsel for the second and third respondents and Mr,S.Vidhyasagar, learned Counsel for the fourth respondent.

7.The only issue, that requires the consideration of this Court is as to whether the resolution that was passed by the Panchayat pursuant to which, the first respondent issued the proceedings dated 03.08.2021 taking away the cheque signing power of the petitioner and assigned the same to the fourth respondent, requires the interference of this Court.



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8.In the instant case, emergency powers have been invoked by the first respondent under Section 203 of the Tamil Nadu Panchayats Act, 1994. It is a power, which has to be exercised as a stopgap arrangement in order to ensure that the smooth functioning of the Panchayat is not affected. This power is more in the nature of an interim arrangement, which finally culminates in taking action either under Section 205 or 206 of the Act.

9.It is apparent from the records as well as the pleadings that there is a long standing dispute between the petitioner and second respondent, who is the President of the Panchayat. The petitioner has made some complaints against the President of the Panchayat and also her husband. This internal squabble has resulted in non-cooperation in running the day-to-day affairs of the Panchayat. As a result, this petitioner was not signing the bills for the works pertaining to the basic amenities and the petitioner has also not signed the cheques in order to incur the expenses for payment of electricity bill, water bill and also the salary for the staff. The Village Panchayat had passed a resolution on 25.06.2021 to initiate action against the petitioner for her non-cooperation. Pursuant to the



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same, an enquiry was also conducted by the Assistant Director (Panchayats) on 15.07.2021 and the statement of the President, Vice President and other Ward Members was recorded. The majority of the Ward Members including the President had given statements to the effect that the petitioner was interfering with the smooth functioning of the Panchayat administration and as a result, the functioning of the Panchayat has seriously affected.

10. Strictly speaking, it is the President, who is vested with the power and authority to perform the day-to-day affairs of the Panchayat, unless, this authority is delegated to the Vice President under Section 48 of the Tamil Nadu Panchayats Act, 1994. Therefore, the Vice President does not have any power regarding the administration of the Panchayat. Under such circumstances, the petitioner cannot put spokes in the functioning of the Panchayat by not signing the cheques along with the President. Ultimately, the functioning of the Panchayat must not be affected due to the fight between the President and the Vice President. It is under these circumstances, the first respondent thought it fit to invoke the emergency power under Section 203 of the Tamil Nadu Panchayats



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Act, 1994. and take away the cheque signing power of the petitioner and it was given to the fourth respondent.

11.It is not as if the petitioner was unaware about the steps being taken to take away the cheque signing power from her. After the enquiry was conducted by the Assistant Panchayats (Panchayats), on 15.07.2021, the Village Panchayat had convened a meeting on 30.07.2021 and the majority of the Ward Members had passed a resolution to the effect that the petitioner is not cooperating for the smooth functioning of the Panchayat and is interfering with the same. Therefore, the cheque signing power of the petitioner was withdrawn and it was given to the senior Ward Member, namely, the fourth respondent in this case. As a follow up, the first respondent had exercised the emergency power under Section 203 of the Tamil Nadu Panchayats Act, 1994, and transferred the cheque signing power from the petitioner to the fourth respondent.

12.In the considered view of this Court, the petitioner was well aware of the fact that the Panchayat had already passed a resolution. Therefore, the decision was not taken behind the back of the petitioner



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and the petitioner was well aware about the same. It cannot be held that the resolution passed by the Panchayat and the consequential decision taken by the first respondent suffers from violation of principles of natural justice. After all, the power exercised under Section 203 of the Tamil Nadu Panchayats Act, 1994, is only an interim measure, which culminates into a bind an action under Section 205 or 206 of the Tamil Nadu Panchayats Act, 1994.

13.In view of the above discussion, this Court does not find any illegality in the action, that was taken by the first respondent by exercising his power under Section 203 of the Tamil Nadu Panchayats Act, 1994 and it does not require the interference of this Court. In view of the same, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Note: Issue today (09.11.2023)
cmr
To
The District Collector,
Dindigul District, Dindigul.

08.11.2023
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N.ANAND VENKATESH, J.

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