



W.P.(MD)No.12516 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12516 of 2016
and
W.M.P.(MD)Nos.9457 and 9458 of 2016

1.Devi
2.Ananthi
3.Brammanandham
4.Arunprakash
5.Anburaj ... Petitioners

Vs.

1.The District Collector,
Thanjavur District.
2.The District Revenue Officer,
Thanjavur District.
3.The Revenue Divisional Officer Cum
Sub Collector,
Kumbakonam, Thanjavur District.
4.The Tahsildar,
Papanasam,
Thanjavur District.



W.P.(MD)No.12516 of 2016

5.The Executive Authority/ Assistant Director,
Village Panchayat, Panagal Building,
Collectorate, Thanjavur District.

6.The Chairman,
Ammapettai Panchayat Union Council,
Papanasam Taluk, Thanjavur.

7.The Block Development Officer (Scheme),
Ammapettai Panchayat Union,
Bapanasam Taluk, Thanjavur District.

8.S.Sudha

9.Kalimuthu

10.R.Pounammal

11.Selvam

12.Dharmaraj

13.Dharmaraj

14.Mallika

15.Sadhasivam

16.Kalyanakumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the resolution No.60 dated 02.12.2013 of Kavalur Village Panchayat and quash the same as illegal, ultravires and excess of power conferred under the Tamil Nadu



W.P.(MD)No.12516 of 2016

Panchayat Act 1994 and direct the Respondents to appoint under Section 41 of the Act to initiated enquiry upon Respondents 8 to 16 on the disqualification.

For Petitioners : Mr.D.Rajagopal

For Respondents : Mr.D.Gandhiraj,

Spl. Government Pleader for R1 to R7.

Mr.A.Arun Prasad for R8 to R10 & R12 to R16.

Mr.G.Kandhavadivelan for R11.

ORDER

Heard both sides.

2.The resolution passed by Kavalur Panchayat on 02.12.2013 is impugned in this writ petition. I do not want to go into the merits of the matter. A reading of the resolution indicates that the patta issued by the District Revenue Officer, Thanjavur has been cancelled and it has been resolved to issue patta for 20 other so-called eligible persons. The question of issuance of patta can be determined only by the competent revenue authority. The order of the revenue authority directing issuance



W.P.(MD)No.12516 of 2016

of patta cannot be cancelled by the local body. Looked at from any angle, the impugned resolution is patently illegal. It is quashed and the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

27.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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W.P.(MD)No.12516 of 2016

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W.P.(MD)No.12516 of 2016

G.R.SWAMINATHAN, J.

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W.P.(MD)No.12516 of 2016

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