



W.P(MD)No.24276 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24276 of 2023

and

W.M.P(MD)Nos.20462 & 20463 of 2023

Mrs.Selvi

... Petitioner

Vs.

1.The District Collector cum
Inspector of Panchayats,
Thoothukudi District,
Thoothukudi.

2.The Revenue Divisional Officer,
Kovilpatti Revenue Division,
Thoothukudi District.

3.The Block Development Officer (V.P.),
Kovilpatti Panchayat Union,
Kovilpatti,
Thoothukudi District.

4.The Tahsildar,
Kovilpatti Taluk,
Thoothukudi District.

... Respondents



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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 on the file of the fourth respondent in connection with the impugned proceedings under section 205 (2), (3) of Tamil Nadu Panchayats Act, 1994, issued by him in Na.Ka.No. Aa4/9400/2023 dated 27.09.2023 and quash the same as illegal and arbitrary.

For Petitioner : Mr.G.Thalaimutharasu

For Respondent : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard both sides.

2.The writ petitioner is an elected president of Iluppaiyurani Village Panchayat. She challenges the impugned notice dated 27.09.2023 issued by the Tahsildar, Kovilpatti convening the meeting of the Village Panchayat under Section 205 (2) and (3) of the Tamil Nadu Panchayats Act, 1994. I wanted to know the reason as to why the District Collector has taken *suo motu* action against the petitioner. It is submitted by the respondents that since the petitioner had not collected the regularization fee from the unauthorized layout promoters / house builders, an adverse proceeding has been initiated.



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3. The learned counsel appearing for the petitioner took me through the pleadings as well as the materials on record. It is seen that the District Collector issued show cause notice dated 14.02.2023 in this regard. It is stated therein that the petitioner has failed to collect a sum of Rs.21,11,580/- (Rupees Twenty One Lakhs Eleven Thousand Five Hundred and Eighty only). The petitioner offered her explanation. She pointed out that if she is given reasonable time, she will be able to collect the entire amount. The District Collector accepting her explanation granted three months time vide communication dated 02.05.2023. The petitioner was able to collect Rs.7,63,816/- (Rupees Seven Lakhs Sixty Three Thousand Eight Hundred and Sixteen only) by 04.08.2023 and she sought further time. Without granting her further time, the impugned proceedings came to be issued. The direction to the Tahsildar was issued pursuant to which the impugned notice came to be issued.

4. During the intervening period, the petitioner has paid a further sum of Rs.5,25,000/- (Rupees Five Lakhs Twenty Five Thousand only). It is undertaken by the petitioner that in three more months she will be able to liquidate the entire liability. I made it clear to the petitioner



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further time will be granted only from today (13.10.2023). Since the object of the District Administration is only to recover the amount of Rs. 21,11,580/-(Rupees Twenty One Lakhs Eleven Thousand Five Hundred and Eighty only) through the writ petitioner, it is not as if the petitioner is personally liable. The amount is eventually paid only by the promoters and builders. Since the petitioner was remiss in taking action against them, Section 205 proceedings came to be initiated. Since the arrears are going to be collected in full and the petitioner has shown her *bona fides* and undertaking has been given before this Court, the impugned notice is quashed.

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

13.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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