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W.P.(MD)NO.26179 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.18500 & 26179 of 2023 AND
W.M.P.(MD)No.15342 of 2023

W.P.(MD)No.26179 of 2023

Kathiravan

... Petitioner

Vs.

1. The District Collector / The Inspector of Panchayats,
Madurai District @ Madurai.

2. The Assistant Director(Audit),
O/o.the Collectorate,
Madurai District @ Madurai – 625 020.

3. The Block Development Officer,
Vadipatti Panchayat Union,
Vadipatti, Madurai District.

4. V.Murugeswari

5. R.Chithandi

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to take appropriate action against the respondents 4 and 5 under Tamil Nadu Panchayats Act based on the report submitted by the second respondent dated 15.03.2023 in Na.Ka.No.1098/2022/A7 within the period stipulated by this Court.



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W.P.(MD)NO.26179 OF 2023

For Petitioner : Mr.N.Sathish Babu
For R-1 & R-2 : Mr.S.Ra.Ramachandran,
Additional Government Pleader.
For R-3 : Mr.Lingadurai,
Special Government Pleader.
For R-4 & R-5 : Mr.I.Pinaygash

W.P.(MD)No.18500 of 2023

V.Murugeswari

... Petitioner

Vs.

1. The District Collector /
The Inspector of Panchayats,
Collectorate,
Madurai District.
2. The Assistant Director of Panchayats,
O/o.the Collectorate,
Madurai District @ Madurai – 625 020.
3. The Block Development Officer,
Vadipatti Panchayat Union,
Vadipatti, Madurai District.
4. Kathiravan

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order Na.Ka.No.A4/உஇ(உள)/0018/2022 datd 16.07.2023 on the file of the first respondent to quash the same as illegal and consequently to issue a direction directing the first respondent



to restore the cheque signing power to the petitioner as Panchayat President of Melakkal Village Panchayat, Melakkal, Madurai District.

For Petitioner : Mr.I.Pinaygash

For R-1 to R-3 : Mr.S.Ra.Ramachandran,
Additional Government Pleader.

For R-4 : Mr.N.Sathish Babu

* * *

COMMON ORDER

Heard both sides.

2. The case on hand pertains to the affairs of Melakkal Village Panchayat. One Murugeswari is a directly elected Village Panchayat President. There are 9 ward members. One Kathiravan is the seventh ward member. According to Kathirvan, the Vice President committed certain irregularities while handling the panchayat funds. He therefore lodged complaint contending that action is not being taken by the Inspector of Panchayats. He filed W.P.(MD)No.28754 of 2022. The writ petitioner was disposed of on 13.02.2023 in following terms:-

“2.The petitioner has made certain



allegations against the private respondents. It is seen that the third respondent has already enquired both the parties. Enquiry report is likely to be filed within a period of four weeks. It will be placed before the second respondent and thereafter before the first respondent who will decide the issue on merits and in accordance with law. I make it clear that I have not gone into the merits of the matter. The contentions of the both the parties are left open.”

3. The Assistant Director of Panchayats(Audit) submitted the report on 15.03.2023. After referring the same and after conducting enquiry with both the parties on 04.07.2023, the Inspector of Panchayats passed an order dated 16.07.2023 withdrawing cheque signing powers of the Panchayat President as well as the Vice President. Challenging the same, the Panchayat President filed W.P.(MD)No.18500 of 2023. An interim order was granted on 02.08.2023. Contending that the interim stay granted by this Court was not complied with, the Panchayat President filed Cont.P.(MD)No.1771 of 2023. When the contempt petition was listed for admission on 02.09.2023,



it was submitted that the order impugned in W.P.(MD)No.18500 of 2023 itself had been cancelled by the District Collector, Madurai on 19.09.2023. Recording the said development, the contempt petition got closed.

4. In my view, such a knee-jerk reaction from the District Collector, Madurai was not warranted. When the contempt petition was filed, this Court dealt with only one issue; whether the order passed by this Court was complied with or not. If it had not been complied with, all that the District Collector had to do was to direct resumption of powers by the President and the Vice President and nothing else. There was no need to cancel the order dated 16.07.2023. As a result, since the order dated 16.07.2023 has been cancelled, nothing survives for consideration in W.P.(MD)No.18500 of 2023.

5. W.P.(MD)No.18500 of 2023 is closed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

6. The grievance projected by Kathiravan, 7th Ward Member remains unredressed.

7. Therefore, we go back to square one. Before the Inspector of Panchayats, all the relevant materials are



available. The Panchayat President is directed to submit a fresh representation putting forth her case. Kathirvan, 7th Ward member is also given similar liberty. Kathiravan as well as Murugeswari will have to submit their representations before the District Collector, Madurai within a period of two weeks from the date of receipt of a copy of this order. There is no need for the District Collector to hold any personal enquiry. The Inspector of Panchayats, Madurai will pass fresh order on merits and in accordance with law. The Inspector of Panchayats will make specific reference to all the contentions raised in the representations of Kathiravan as well as Murugeswari. I am constrained to make this observation because in the proceedings dated 16.07.2023, there is absolutely no discussion regarding the contents of the representations submitted by the various parties such as Assistant Director(Audit) and Block Development Officer, Vadipatti, I would go to the extent of characterising the order dated 16.07.2023 as non-speaking in nature. Therefore, the first respondent is obliged to pass a speaking order. This shall be done by the first respondent within a period of four weeks from the date of receipt of representations from the writ



petitioners herein. The writ petitioners are given fifteen days from the date of receipt of this order copy to offer their representations. W.P.(MD)No.26179 of 2023 stands disposed of accordingly. No costs.

22.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU



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W.P.(MD)NO.26179 OF 2023

G.R.SWAMINATHAN,J.

PMU

To:

1. The District Collector / The Inspector of Panchayats,
Madurai District @ Madurai.
2. The Assistant Director(Audit),
O/o.the Collectorate,
Madurai District @ Madurai – 625 020.
3. The Block Development Officer,
Vadipatti Panchayat Union,
Vadipatti, Madurai District.

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