



W.P.No.666 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

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THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.666 of 2024

and

W.M.P.No.685 of 2024

G.Parthiban
President,
Chinnangapoondi Village Panchayat,
Thiruvallur District.

... Petitioner

Vs.

1. The Panchayat Inspector & District Collector,
Thiruvallur District Collectorate,
Thiruvallur District.

2. The Block Development Officer,
Rama Krishna Raju Pettai Panchayat Union
Thiruvallur District.

3. The Zonal Deputy Block Development Officer (Zone-II)
Rama Krishna Raju Pettai Panchayat Union
Thiruvallur District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in Na.Ka.No.4359/2021/A3 dated 23.12.2023 and quash the same and consequently forbear the Respondents 1 to 3 and its agents



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neither to interfere in any manner in the cheque signing powers and other duties of a President nor restrain petitioner from performing the same for the welfare of the people in the panchayat.

For Petitioner : Mr.C.Vigneswaran

For R1 : Mr.M.Shahjahan
Special Government Pleader

For R2 & R3 : Mr.P.Sanjai Gandhi

ORDER

This Writ Petition has been filed to call for the records of the 1st respondent in Na.Ka.No.4359/2021/A3 dated 23.12.2023 and quash the same and consequently forbear the Respondents 1 to 3 and its agents neither to interfere in any manner in the cheque signing powers and other duties of a President nor restrain petitioner from performing the same for the welfare of the people in the panchayat.

2. The case of the petitioner is that the petitioner assumed office as a President in the Chinnangapoondi Village Panchayat on 02.01.2020 and from the date of assuming office, he has been performing his duties to the fullest of his abilities in an honest and truthful manner. He has



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been completely co-operative with the Village Council and the Vice President for performing the functions required for smooth functioning of village and the welfare of the people. While that being so, the 2nd respondent has filed a complaint against him in RK Pet Police Station stating that he had kept a Political Party Banner in Panchayat Union School belonging to the Government without any permission. Based on the said complaint, on 25.10.2023, an FIR was registered against him in Crime No.906 of 2023 under Section 4(1) of the Tamil Nadu Open Places (Prevention of Disfigurement Act), 1959 and under Section 427 of the Indian Penal Code. Following the FIR, the 1st respondent / District Collector, by exercising his power under Section 203 of the Tamil Nadu Panchayats Act 1994, has passed the impugned order dated 23.12.2023 by revoking the cheque signing power, without giving an opportunity of hearing to the petitioner. Aggrieved by the said order, the petitioner has filed this Writ Petition.

3. The learned counsel for the petitioner would submit that the impugned order has been passed in violation of principles of natural justice. Further, he would submit that the District Collector has no power



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under Section 203 of the Panchayat Act to take away the cheque signing power of the President and Vice-President. Also, he would submit that since the cheque signing power is vested upon the President and Vice-President by the statute under Section 188 of the Tamil Nadu Panchayat Act 1994, similarly there should be a specific provision conferring authority upon the Inspector of Panchayats/1st respondent to take away such power. As there is no specific provisions to take away the cheque signing power of the President, the Collector cannot invoke incidental or emergent powers to divest the elected representatives of their statutory right and therefore, the Impugned Order is liable to be set aside.

4. The Learned Government Pleader appearing for the first respondent would submit that due to abnormal situation arose out of fixing the Party banner in the Panchayat Union School, immediate action warranted to invoke the emergency power under Section 203 of Tamil Nadu Panchayat Act. Further, he would submit that the cheque signing power of the Village Panchayat President was taken away as an interim measure by the District Collector and the same is within the power under Section 203 of Tamil Nadu Panchayat Act, 1994.



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5. On perusal of the records, it is seen that the impugned order has been passed only as an interim measure by the first respondent. Further, it is seen that, after passing the impugned order, the first respondent has issued enquiry notice to the petitioner and after receipt of the enquiry notice, the petitioner has attended the enquiry and following charges have been framed against the petitioner :

(i) Charge 1: The Writ Petitioner had misused his power as President and placed a political banner in a school premises belonging to the panchayat without considering the fact that he is doing service to the public.

(ii) Charge 2: The Writ Petitioner's act of placing the banner was against Section 83 & 84(c) of the Tamil Nadu Panchayat Act, 1994.

(iii) Charge 3: Banner was placed in a school premises and the President being the authority who has placed the same.

(iv) Charge 4: Acted in total contravention to his oath taken in office.



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6. It is further seen that the petitioner was given 15 days time to send a reply to the charges to the first respondent.

7. Considering the above facts and circumstances of the case, this Court directs the first respondent / District Collector to pass appropriate orders on the above said issue as per law, on or before 31.08.2024.

8. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index : yes/no

Internet : yes/no

To

1. The Panchayat Inspector & District Collector,
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