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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05.12.2024**

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 2668 of 2024
And
W.M.P.No. 2946 of 2024

E.Maragathavadivu

... Petitioner

..Vs..

1. The District Collector
Collectorate
Coimbatore District
Coimbatore – 641 018.
2. The Block Development Officer
(Village Panchayats)
Sulthanpet Union
Sulur Taluk
Coimbatore District.
3. The Zonal Deputy Block Development Officer
Sulthanpet Union
Sulur Taluk
Coimbatore District.
4. The Assistant Director (Panchayats)
Rural Development
Coimbatore.



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5. The Selakkarichal Village Panchayat
Rep. by its Secretary
Selakkaraichal
Sulur Taluk
Coimbatore District.

6. Krishnaveni

7. Pushpa

8. Sivaraj

9. N.Aruchami

10. K.Aruchami

... Respondents

(R6 to R10 are impleaded as per order dated 05.03.2024 in WMP.No. 4630/2024 in W.P.No. 2668 of 2024)

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the records realting to the impugned order dated 29.01.2024 made in Na.Ka.No.2039/2023/A3 passed by the 1st respondent herein and quash the same, consequently forbear the respondents from interfering with petitioner lawful functioning as the President of the fifth respondent Panchayat.

For Petitioner :: Mr. N.Ponraj

For RR 1 to 5 :: Mr. S.J. Mohamed Sathik
Government Advocate

For RR 6 to 10 :: Mr.G.Mohan



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ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to the impugned order dated 29.01.2024 in Na.Ka.No.2039/2023 /A3 passed by the first respondent, District Collector, Coimbatore and quash the same.

2. During the pendency of the Writ Petition, respondent Nos. 6 to 10 had been impleaded by order dated 05.03.2024 in W.M.P.No. 4630 of 2024.

3. In the affidavit filed in support of the Writ Petition, it had been stated that the petitioner E.Maragathavadivu is the President of Selakkarichal Village Panchayat at Sulur Taluk in Coimbatore District. It had been stated that in the said Panchayat, the total number of ward numbers are 9. It had been stated that 5 ward members are prejudiced against the petitioner. Those 5 members had been impleaded as respondent Nos. 6 to 10. Various complaints had been given against the petitioner herein and W.P.No. 20236 of 2023 had already been filed seeking a direction against the District Collector, to remove the petitioner from the post of President on the basis of the representation dated 14.06.2023. The said Writ Petition was disposed



council meeting of the members was held on 11.01.2024. Five members voted against the resolution. It was stated that therefore, the work of the Panchayat came to stand still. Thereafter, reference had also been made to W.P.No. 20236 of 2023. The first respondent stated that he had followed due process of law in dealing with the cancellation of the resolution and in other aspects.

5. Heard the learned counsel for the impleaded respondent Nos. 6 to 10 also and the learned counsel stated that the said respondents did not approve of the activities of the petitioner herein and had given a complaint and had also filed a writ petition seeking examination of their representation. It was stated that the impugned order had been passed after following due procedure and after conducting thorough examination by the first respondent.

6. However, a perusal of the impugned order would show that the same has been passed under Section 204(1)(2) of the Tamilnadu Panchayat Act 1994. Section 204 of the Tamilnadu Panchayat Act provides that an action can be taken if the Village Panchayat President had made default in performing any duty imposed under the Act. It had also been stated that if there is non co-operation of the members with the President, the Inspector of Panchayat may



authorise the President to perform such duties and if it is found that there is again non-cooperation, the Chairman can perform the duties. But such restrictions could be only for a period of six months.

7. A plain reading of the Section 204 would imply that any order passed would be in effect only for a period of six months. The order which is impugned and been passed on 29.01.2024. It is evident that there is dispute among the members and the petitioner herein. The petitioner is in minority and if it is found that owing to such dispute, normal work of the Panchayat could not be discharged, then the Inspector of Panchayat / the District Collector can take control of the said duties and direct the Chairman of the Panchayat Union Council or District Panchayat to perform such duties as imposed. But even otherwise, the period cannot exceed six months.

8. In **2013 2 CTC 846 [Logeswari Vs. the District Collector]**, a learned Single Judge was also engaged in examining the power under Section 203 of the said Act. It had been very clearly held that any order to withdraw the cheque signing power can be issued only under Section 205 of the Act and not under any other provision.

9. The impugned order naturally does not stand and is set



aside, however, granting liberty to the first respondent to proceed against the petitioner herein in manner known to law.

10. I am informed that the first respondent had passed further orders on 30.07.2024 as against the petitioner herein. I am not inclined to examine whether that order had been passed in accordance with law or not but that order would bind the petitioner herein. So far as the impugned order is concerned, the same is set aside and the Writ Petition stands disposed of. Consequently, connected Miscellaneous Petition stands closed. No order as to costs.

05.12.2024

vsg
Index: Yes/No
Internet: Yes/No
Speaking / Non Speaking Order

To

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