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W.P. No.10428 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2024

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.10428 of 2024

V.Jayanthi

..

Petitioner

vs.

1.The District Collector,
Namakkal District,
Namakkal.

2.The Assistant Director (Panchayats),
Namakkal District,
Namakkal.

3.The Block Development Officer,
Vennanthur Union,
Namakkal District.

4.K.Nallathambi

..

Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 3 to change the cheque signing power from the fourth respondent to one Gomathi, Ward Member, Pazhanthinnipatti Village, Rasipuram Taluk, Namakkal District in the light of the proceedings of the third respondent in Na.Ka.No.498/2021/T1 dated 07.03.2024.

For Petitioner : Mr.R.Jayaprakash



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For Respondents : Mr.Shajahan,
Special Government Pleader
for R1 & R2

Mr.G.Nanmaran,
Special Government Pleader for R3

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2.Mr.Shajahan, learned Special Government Pleader accepts notice on behalf of the respondents 1 and 2 and Mr.G.Nanmaran, learned Special Government Pleader accepts notice on behalf of the third respondent.

3.This writ petition has been filed for a mandamus seeking for a direction to the respondents 1 to 3 to change the cheque signing power from the fourth respondent to one Gomathi, Ward Member, Pazhanthinnipatti Village, Rasipuram Taluk, Namakkal District in the light of the Proceedings of the third respondent in Na.Ka.No.498/2021/T1 dated 07.03.2024.

4.The petitioner is the Panchayat President. The fourth respondent is the Vice President and he is having the cheque signing power on behalf



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of the Panchayat along with the petitioner. According to the petitioner, the fourth respondent is not co-operating to sign the cheques of the Panchayat. Therefore, a Resolution was passed on 28.02.2024 by the Panchayat giving the cheque signing power to a person, by name, Gomathi, Ward Member, Pazhanthinnipatti Village, Rasipuram Taluk, Namakkal District. The second respondent has placed the Proceedings of the third respondent dated 07.03.2024 with the first respondent requesting the first respondent to pass final orders, based on the petitioner's representation dated 28.02.2024. Since a final decision has not been taken by the first respondent, this writ petition has been filed.

5.The petitioner has enclosed the Resolution of Panchayat dated 28.02.2024 by which the Panchayat has decided to change the cheque signing power from the fourth respondent to one Gomathi, Ward Member, Pazhanthinnipatti Village, Rasipuram Taluk, Namakkal District.

6.No prejudice would be caused to any of the parties if a direction is issued to the first respondent to pass final orders, based on the Proceedings of the third respondent in Na.Ka.No.498/2021/T1 dated 07.03.2024, after affording a fair hearing to the fourth respondent, within



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a time frame to be fixed by this Court. Hence, notice to the fourth respondent in this writ petition is dispensed with.

7.For the foregoing reasons, this Court directs the first respondent to pass final orders, based on the Resolution of the Panchayat dated 28.02.2024 as well as the Proceedings of the third respondent dated 07.03.2024, after affording a fair hearing to the petitioner and the fourth respondent, within a period of six weeks from the date of receipt of a copy of this order.

8.With the aforesaid direction, this writ petition is disposed of. No costs.

18.04.2024

Index: Yes/No
vga

To

1.The District Collector,
Namakkal District,



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Namakkal.

2.The Assistant Director (Panchayats),
Namakkal District,
Namakkal.

3.The Block Development Officer,
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ABDUL QUDDHOSE, J.

vga

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