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W.P.No.13076 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.13076 of 2024
and W.M.P.Nos.14237 & 14239 of 2024

S.M.Settu

...Petitioner

-Vs-

1. The District Collector,
Office of the District Collectorate,
Ranipet District.
2. The Director of Town Planning (Panchayat),
Office of the District Collectorate,
Ranipet District.
3. The Assistant Director Town Planning (Panchayat),
Office of the District Collectorate,
Ranipet District.
4. The Block Development Officer,
Panchayat Union Office Arcot,
Ranipet District.
5. Elangovan,
Vice President Sathur Panchayat,
Sathur Village & Post,
Arcot Taluk,
Ranipet District – 632 521.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorified Mandamus, to call for the records pertaining to the impugned order dated 22.03.2024 in Na.Ka.A4/87/2024 issued by the first respondent herein and quash the same and consequently direct the first respondent to rehear and receive all the relevant documents in evidence that are put forth by the petitioner in his representation dated 08.04.2024 and examine the same and thereby pass suitable order on the representation dated 09.11.2023, within a time frame as fixed by this Court.

For Petitioner : Mr.R.Abdul Mubeen
For Respondents
For R1 to R3 : Mr.C.Kathiravan
Special Government Pleader
For R4 : Mr.M.R.Gokulakrishnan
For R5 : Mr.D.Rameshkumar

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 22.03.2024, thereby rejected the compliant lodged by the petitioner as against the fifth respondent.

2. The petitioner is the elected president of the Sathur Village Panchayat in Arcot Panchayat Union of Ranipet District. The petitioner belongs to scheduled caste (SC) community and had contested for the



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post of President in the local body election of Sathur village panchayat.

He was duly elected in the year 2021 and now he is working as President of Sathur panchayat. The fifth respondent was elected as ward member and subsequently, he was elected as Vice President of Sathur panchayat. The fifth respondent belongs to other community and he does not permit the petitioner the conduct panchayat meeting under his presidentship, since the petitioner belongs to SC community. Therefore, the petitioner could not able to discharge his duty to the people who elected him as President of Sathur panchayat.

3. In fact, the petitioner also lodged complaint before the National Commission for Scheduled Caste. The said complaint was forwarded to the Superintendent of Police. However no action has been taken as against the fifth respondent. The petitioner, is being the president, has to disburse the expenses for basic facilities such as drinking water, street lights, road facilities, pipe work etc. The fifth respondent, who is the Vice President of the panchayat, is also one of the signatory of the cheque. However, the fifth respondent refused to counter sign the cheques which were signed by the petitioner to disburse for the



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essential expenses of Sathur panchayat. Therefore, the petitioner submitted several complaint to the first respondent in this regard.

4. In fact, the petitioner also submitted representation before the first respondent to appoint a Special Officer for Sathur panchyat for administration. On receipt of the same, the first respondent issued show cause notice dated 05.10.2023 to the petitioner, seeking explanation to many of the charges for not disbursing the funds and continuing the development activities. On receipt of the same, the petitioner submitted detailed explanation and stated the reason that the fifth respondent refused to sign the cheques to settle the amounts for the expenses incurred towards essential maintenance work for the panchayat. However, there was no action as against the fifth respondent.

5. Therefore, the petitioner was constrained to approach this Court in W.P.No.36358 of 2023 for direction to direct the first respondent to consider the petitioner's representation dated 09.11.2023 and also requested to replace any of the Special Officer with power to sign the cheques on behalf of the fifth respondent along with the



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petitioner to continuing the work initiated under the panchayat scheme.

This Court by an order dated 28.12.2023, directed the first respondent to dispose the representation within period or twelve weeks. As directed by this Court, the first respondent conducted enquiry and rejected the charges alleged by the petitioner as against the fifth respondent by the order impugned in this writ petition.

6. The learned counsel counsel appearing for the fifth respondent submitted that the fifth respondent is always co-operating with the petitioner in the Sathur panchayat. He never refused to sign the cheque which was signed by the petitioner. He never ill-treat the petitioner as he belongs to SC community.

7. The first respondent filed counter and the learned Special Government Pleader submitted that as directed by this Court the first respondent issued notice to the petitioner, fifth respondent, ward Members, Block Development Officer and panchayat Secretary for their appearance on 01.03.2024 and detailed enquiry was conducted. During the enquiry, all were deposed that the allegations leveled against the fifth



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respondent are found to be false. Therefore, the first respondent rejected the complaint lodged by the petitioner herein. In fact, further observed that the petitioner is not co-operating with the panchayat and he refused to sign the cheque for payment of wages to the workers such as over head tank operator, sweepers and others and also creating unnecessary communal issues.

8. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

9. It is seen that only because the petitioner belongs to SC community, the fifth respondent colluded with other respondents ill-treat the petitioner and not permitted him to function as panchayat president. On perusal of the complaint lodged by the petitioner before the National Commission for Schedule Caste community revealed that there are so many allegations as against the fifth respondent who belongs to other community. The first respondent recorded the statement of other ward members in which ward members 5,6,8 were clearly deposed in favour of the petitioner. They further deposed that the fifth respondent, who is the



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Vice President of the Sathur panchayat, refused to sign the cheques which were already signed by the petitioner. Therefore, for the past one year the panchayat could not able to provide essential amenities to the general public of Sathur panchayat. However, without considering the same, the first respondent mechanically rejected the complaint lodged by the petitioner.

10. In fact, the learned counsel appearing for the petitioner would submit before this Court that the petitioner never mind to give the cheque drawing power to the officials, in order to provide basic amenities to the general public. It shows the fairness of the petitioner and only because of the reason that he belongs to SC community, he is deprived from all his functions in the Sathur panchayat. It is sorry state of affairs that the officials also colluded with the fifth respondent and usurped the power of the petitioner from functioning as President of Sathur panchayat, since he belongs to SC community. It should be prevented with iron hands. This Court can able to visualize the grievances of the petitioner as well as those who were elected as President from SC community in other panchayats also.



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11. In view of the above discussions, the order passed by the first respondent cannot be sustained and liable to be quashed. Accordingly, the order dated 22.03.2024 passed by the first respondent in Na.Ka.A4/87/2024, is hereby quashed. The first respondent is directed to take appropriate action as against the fifth respondent under Section 206 of the Tamil Nadu Panchayat Act. Further the first respondent is directed to assign the cheque signing power to the fourth respondent along with the petitioner. The first respondent must also ensure that all the works of the Sathur Panchayat with all basic amenities to be done without any delay by disbursing the balance amount for the work already done.

12. With the above directions, the Writ Petition stands allowed. Consequently, connected miscellaneous petitions are closed. There shall be no orders as to costs.

17.10.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

rts



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