



W.P.No.13568 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.05.2024

CORAM :

THE HON'BLE MS. JUSTICE P.T.ASHA

W.P.No.13568 of 2024
and W.M.P.Nos.14722 and 14723 of 2024

1.K.Saraswathi
2.C.Suresh
3.R.Sathyamoorthy

... Petitioners

Vs.

1.The Inspector of Panchayats / District Collector
Ranipet District

2.The Tahsildar
Walaja (T.K.)
Ranipet (Dist.)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the entire records relating to the notice of meeting in Na.Ka.No.Aa1/987/2024 dated 02.05.2024 by the 2nd respondent and quash the same.

For Petitioner : Mr.L.P.Shanmugasundaram

For Respondents : Mr.G.Nanmaran
Special Govt. Pleader - R1 & R2



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ORDER

This writ petition has been filed seeking for issuance of a Writ of Writ of Certiorari calling for the entire records relating to the notice of meeting in Na.Ka.No.Aa1/987/2024 dated 02.05.2024 by the 2nd respondent and quash the same.

2. Heard the learned counsel for the petitioner and Mr.G.Nanmaran, the learned Special Government Pleader appearing for the respondents.

3. One of the allegations made challenging the impugned notice of meeting is that the explanation to the show cause notice given by the petitioner has not been properly considered which is evident from the fact that there is not even a mention about the explanation in the impugned notice. This clearly shows the bias on the part of the 1st respondent and the 1st respondent appears to have prejudged the issue.

3. The learned Special Government Pleader appearing for the respondents would submit that in the light of the above submissions, they are ready to afford a fresh opportunity to the petitioners to submit their explanations to the show cause notice dated 08.03.2024 and fresh



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proceedings as contemplated under Section 205 of the Tamil Nadu Panchayats Act, 1994 (hereinafter referred to as the 'Panchayats Act') shall be followed.

4.Taking into account the above submissions, the petitioners are hereby directed to offer their explanations on the show cause notice dated 08.03.2024 to the respondent concerned on or before 05.06.2024. Thereafter, following the due procedure contemplated under Section 205 of the Panchayats Act, the 1st respondent shall proceed to dispose of the show cause notice. The 1st respondent shall bear in mind the judgment of Division Bench of this Court reported in 2011 (5) CTC 197 (W.A.No.2389 of 2010) dated 22.03.2011, wherein this Court has observed that the provisions under Section 205 of the Panchayats Act is a drastic provision by which the 1st respondent / District Collector would be unseating elected members and therefore a onus is placed on the 1st respondent to exercise his rights with utmost circumspection. Therefore, this Court is inclined to allow this Writ Petition.

P.T.ASHA, J.



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WEB COPY 5.This Writ Petition stands allowed with the above direction.

Consequently, the impugned notice of meeting in Na.Ka.No.Aa1/987/2024 dated 02.05.2024 by the 2nd respondent is hereby quashed. No costs.

Consequently, the connected miscellaneous petitions are closed.

16.05.2024

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Index:Yes/No
Neutral Citation

To

1.The Inspector of Panchayats / District Collector
Ranipet District

2.The Tahsildar
Walaja (T.K.)
Ranipet (Dist.)

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