



WEB COPY



W.P.No.16008 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2024

CORAM

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

W.P.No.16008 of 2024

and

W.M.P.Nos.17476 & 17479 of 2024

S.Ramachandran

....

Petitioner

Vs

1.The Government of Tamil Nadu,
Represented by its Secretary,
Rural Development and Panchayatraj,
Secretariat, Chennai – 09.

2.The District Collector cum Inspector of Panchayat
Ariyalur District.

3.The Assistant Director of Panchayat,
Ariyalur District.

4.The Block Development Officer (Village Panchayat),
T.Palur Panchayat Union, Ariyalur District.

5.A.Sasikala
President,
Chinthamani Panchayat Board,
T.Palaur Road, Udaiyarpalayam Taluk,
Ariyalur District.

....

Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the



W.P.No.16008 of 2024

records of the second respondent in his proceedings Na.Ka.No.3343/2023/A6, dated 13.03.2024 and quash the same as illegal, consequently direct the second respondent to remove the fifth respondent from the post of Chinthamani Panchayat President as per the Section 205 of the Tamil Nadu Panchayat Act 1994.

For Petitioner : Mr.S.Muthukrishnan
For R1 to R3 : Mr.V.Manoharan
Additional Government Pleader
For R4 : Mrs.V.Yamunadevi
Special Government Pleader
For R5 : Mr.S.Udhaya Kumar

ORDER

This Writ Petition has been filed as against the order passed by the second respondent dated 13.03.2024, thereby dropped the action as against the fifth respondent as contemplated under Section 205 (2) of the Tamil Nadu Panchayat Act, 1994.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. According to the petitioner, the procedure required to be followed under Section 205 of the Tamil Nadu Panchayat Act has not



W.P.No.16008 of 2024

been adhered and without considering the factual matrix, the second respondent had exonerated the fifth respondent. However, the petitioner, without exhausting the alternate remedy available under the provisions of the Tamil Nadu Panchayat Act, has straight away approached this Court.

4. In terms of Section 219 of the Tamil Nadu Panchayat Act, the Government may, after consulting the Inspector, Collector or such other officer or authority as they may deem fit, at any time, either suo motu or on application, call for and examine the record of any order passed or proceeding recorded under the provisions of this Act.

5. Therefore, the petitioner, if he is aggrieved by the order dated 13.03.2024, ought to have exhausted the revisional remedy available under Section 219 of the Act. Without resorting to the same, the petitioner could not have approached this Court by way of this writ petition, especially when the petitioner has not specifically stated as to why he bypassed the efficacious, effective alternate remedy. When statutory appeal remedy is very much available under Section 219 of the Tamil Nadu Panchayat Act, the writ petition is not maintainable.



W.P.No.16008 of 2024

6. In view of the above, this writ petition is dismissed with

liberty to the petitioner to file a revision under Section 219 of the Tamil

Nadu Panchayat Act before the State Government in accordance with law.

Consequently, connected miscellaneous petitions are closed. No costs.

09.08.2024

Internet : Yes/No

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation : Yes/No

Lpp

To

1. The Secretary,
Rural Development and Panchayatraj,
Secretariat, Chennai – 09.

2. The District Collector cum Inspector of Panchayat
Ariyalur District.

3. The Assistant Director of Panchayat,
Ariyalur District.

4. The Block Development Officer (Village Panchayat),
T.Palur Panchayat Union, Ariyalur District.

G.K.ILANTHIRAIYAN, J.

Lpp



WEB COPY



W.P.No.16008 of 2024

W.P.No.16008 of 2024
and
W.M.P.Nos.17476 & 17479 of 2024

09.08.2024