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W.P.Nos.16564 and 15275 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

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THE HON'BLE MR. JUSTICE G.K. ILANTHIRAIYAN

W.P.Nos.16564 and 15275 of 2024

and

W.M.P.Nos.18172, 18173 and 16605 of 2024

W.P.No.16564 of 2024:

R. Kavitha

... Petitioner

Vs.

1.The Secretary to the Government,
Rural Development and Village Panchayat Department,
Secretariat, St. George Fort,
Chennai - 600 009.

2. The Director,
Directorate of Rural Development and Village Panchayat,
Panagal Building, Saidapet,
Chennai - 600 015.

3. The District Collector cum Inspector of Village Panchayats,
O/o.The District Collector,
Coimbatore District,
Coimbatore - 641 018.

4. The Block Development Officer,
Sarkar Samakulam Panchayat Union,
Coimbatore District,
Coimbatore.



5. The Zonal Deputy Block Development Officer (Zone - 2),
Vellanaipatti Village Panchayat,
Sarkar Samaikulam Panchayat Union,
Coimbatore District - 641 048.

6. V.R.Rajan,
Vice President of Vellanaipatti Village Panchayat,
Sarkar Samaikulam Panchayat Union,
Coimbatore District - 641 048.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order vide Na.Ka.No.2706/2023/A3 dated 24.11.2023 on the file of the 3rd respondent, quash the same and direct the 3rd respondent to allow the petitioner herein to do her official duty as the Elected President of Vellanaipatti Village Panchayat based upon the representation dated 19.03.2024.

For Petitioner : Mr. A. Prakash

For Respondents : Mr. V. Manoharan
Additional Government Pleader
for R1 to R3 and R5

Mr. C. Selvaraj for R4

W.P.No.15275 of 2024:

R. Rajan

... Petitioner

Vs.

1.The District Collector,
O/o. District Collector,
Coimbatore District.



W.P.Nos.16564 and 15275 of 2023

2. The Assistant Director,
(Village Panchayat),
Department of Rural Development and Panchayat Raj,
O/o.District Collector,
Coimbatore District.

3. The Block Development Officer,
(Village Panchayat),
Sarkar Samakulam Union,
Coimbatore District.

4. R. Kavitha

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records and quash the proceedings vide Na.Ka.No.2706/2023/Aa3 dated 24.11.2023 passed by the 1st respondent and further directed to the 1st respondent to permit the petitioner as a signatory authority and conduct the meetings in the Vellanaipatti Panchayat, Sarkar Samakulam Union, Coimbatore District.

For Petitioner : Mr. P. Muthamizhselvakumar

For Respondents : Mr. V. Manoharan
Additional Government Pleader
for R1 and R2

Mr. C. Selvaraj for R3

Mr. A. Prakash for R4



COMMON ORDER

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2. Writ petitions have been filed, challenging the order passed by the third respondent dated 24.11.2023 whereby withdrawn the cheque signing power from the petitioner as well as the sixth respondent and permitted the fourth and fifth respondents to issue cheque for the Vellanaipatti Village Panchayat, Coimbatore.

3. The petitioner is the elected president of Vellanaipatti Village Panchayat, Coimbatore. The said panchayat has been reserved for scheduled castes women. The petitioner belongs to scheduled caste community and she was elected as the first women president of the Vellanaipatti Village Panchayat, Coimbatore on 02.01.2020. The sixth respondent is being one of the ward member has been elected as vice-president of Vellanaipatti Village Panchayat, Coimbatore. Since the petitioner belongs to scheduled caste community, she was not allowed to seat in her chair and even to enter into



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the panchayat office. The sixth respondent belongs to some other community and with the influence of officials, preventing the petitioner even to enter into the panchayat office and also did not permit the petitioner to sit in the chair of the president.

4. In order to give equal opportunity to all community of people in political, economic, education and employment, etc., to get rid of inferiority complex, the Vellanaipatti Village Panchayat, Coimbatore has been declared as reservation for scheduled caste community. However, the untouchability is still prevailing in the form of not allowing the petitioner to sit in the chair of president. It is a sorry state of affairs that the officials also colluded with the sixth respondent and did not permit the petitioner even to enter into the panchayat office.

5. Learned counsel for the petitioner also produced videographs and photographs to show that the petitioner was prevented from entering into panchayat office and infact the panchayat office was closed. She was made to sit in the floor outside the panchayat office. Infact, the petitioner was working as a staff nurse and after her resignation, she contested in the



panchayat election. She was duly elected as panchayat president and even she was not permitted to act as president and therefore, the entire functions of the village panchayat has been stalled. That apart, the sixth respondent is a male member and belongs to some other community, always discriminating the petitioner on gender wise and also on communal wise. Therefore, the petitioner lodged complaint and the same have not been enquired properly by the officials. However, for the past three years, the petitioner managed to function as president in the interest of general public.

6. That apart, the sixth respondent also belongs to same party and subsequently, he joined another political party. Therefore, the atrocity as against the petitioner raised and the sixth respondent did not permit her to sign the cheques and did not cooperate with the petitioner to function the Vellanaipatti Village Panchayat, Coimbatore. Therefore, in order to function the Vellanaipatti Village Panchayat, Coimbatore, the third respondent withdrawn the cheque signing power from the petitioner as well as from the sixth respondent and permitted the fourth and fifth respondent herein to sign the cheques on behalf of the president and vice president of the Vellanaipatti Village Panchayat, Coimbatore.



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7. In view of the above, this Court finds infirmity and illegality in the order passed by the third respondent and it cannot be sustained and liable to be quashed. Accordingly, the impugned order is quashed.

8. In the result, W.P.No.16564 of 2024 is allowed and W.P.No.15275 of 2024 is dismissed. The petitioner and the ward member (Premalatha) are directed to sign the cheques on behalf of the Vellanaipatti Village Panchayat, Coimbatore, for executing the works of the panchayat. The first respondent is directed to conduct a detailed enquiry in respect of the observations by this Court as against the respondent Nos.4 to 6 herein and Panchayat Secretary and take appropriate action as against them in accordance with law for treating the petitioner discriminatingly only on the ground of her community, within a period of twelve weeks from the date of receipt of a copy of this order. No Costs. Consequently, connected miscellaneous petitions are closed.

19.10.2024

Index : Yes/No

Neutral Citation Case : Yes / No

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To

1. The Secretary to the Government,
Rural Development and Village Panchayat Department,
Secretariat, St. George Fort,
Chennai - 600 009.



W.P.Nos.16564 and 15275 of 2024

G.K. ILANTHIRAIYAN. J.,

ab

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2. The Director,
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O/o.The District Collector,
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6. The Assistant Director,
(Village Panchayat),
Department of Rural Development and Panchayat Raj,
O/o.District Collector,
Coimbatore District.

W.P.No.12526 of 2024 and W.M.P. No.13677 of 2024

19.10.2024