



W.P.No.19761 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM:

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

W.P.No.19761 of 2024
and W.M.P.No.21642 of 2024

M.Soundari

... Petitioner

Vs

1. The District Collector /
Inspector Of Panchayats,
Tiruvallur District, Tiruvallur.
2. The Assistant Director,
(Village Panchayats),
Collectorate,
Tiruvallur, Tiruvallur District.
3. The Block Development Officer,
(Village Panchayat),
Gummudipoondi Union,
Tiruvallur District.
4. Eguvarpalayam Village Panchayat,
Represented By Its President,
Eguvarpalayam,
Gummudipoondi Union,
Tiruvallur District.
5. M.Moorthy

... Respondents



W.P.No.19761 of 2024

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.No.1748/ 2021/A3/ AD(VP), dated 08.07.2024 issued by the 1st respondent, quash the same and consequently, direct the 1st respondent to restore petitioner cheque signing power under Sec.188 (3) of the TN Panchayat Act, 1994 along with the President of the 4th Respondent.

For Petitioner	: Mr.V.Srikanth
For R1 and R2	: Mr.N.Naveen Kumar Government Advocate
For R3	: Mr.V.Ravi Special Government Pleader
For R4	: Mr.V.Ramana Reddy
For R5	: Mr.S.Suresh Babu

ORDER

This writ petition has been filed challenging the order passed by first respondent dated 08.07.2024, thereby withdrew the cheque signing power from the petitioner.

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

3. The petitioner is the Vice President of the fourth respondent



W.P.No.19761 of 2024

WEB COPY

Panchayat. The petitioner had contested in the election for the post of Member of the Ward No.1, Eguvarpalayam Village Panchayat, Gummudipoondi Union, Tiruvallur District. After being elected as a Ward member, she was elected as Vice President on 20.01.2020. As per Section 188(3) of the Tamil Nadu Panchayats Act, 1994, all the cheques for payment from the Village Panchayat funds are jointly signed by the President and the Vice President. While being so, there were allegations against each other viz., President and Vice President. According to the petitioner, the President of the said Panchayat indulged in various misdeeds and also committed mismanagement of the Panchayat funds.

4. On the said complaint, already the cheque signing power of the President was withdrawn by an order dated 17.11.2023. It was challenged before this Court in W.P.No.488 of 2024. This Court, by an order dated 27.02.2024 passed the following order:-

“ 5. it is only when the reasons stated by the Petitioner or the Fifth Respondent, as the case may be, for not signing the cheque is found untenable that the First Respondent is empowered to authorize a member of the Panchayat to sign that particular cheque in the place of the Petitioner or the Fifth Respondent, who has refused to sign the particular cheque. Moreover, it is only when no



W.P.No.19761 of 2024

WEB COPY

member of the Panchayat has been authorized to sign in that regard, such powers could be conferred on the Block Development Officer or the Zonal Deputy Block Development Officer, as the case may be. Consequently, when the First Respondent has not followed the said procedure, it is not possible to sustain the impugned order in Na.Ka.No.1748/2021/A3 dated 17.11.2023 passed by the First Respondent, which shall stand quashed with the clarification that the First Respondent, if such necessity arises in future, is not precluded from taking action in the aforesaid manner in accordance with law.”

5. Thereafter, the President of the said Panchayat was given power to sign the cheque. While being so, on the complaint lodged by the President of the Panchayat, alleging that the petitioner was not co-operating for issuance of cheque even to settle the essential expenditure which had towards essential amenities, the first respondent enquired and ordered to withdraw the cheque signing power from the petitioner, on the ground that the Vice President and the President are not co-operating each other to sign the cheque and it caused prejudice to the general public of the fourth respondent Panchayat. In fact, even before the complaint lodged by the President, the petitioner lodged a complaint on 24.06.2024 before the first respondent. In the said complaint, the first respondent had proceeded with the enquiry and it is pending for orders.



W.P.No.19761 of 2024

WEB COPY

6. A perusal of the said complaint dated 24.06.2024 revealed that the petitioner made so many allegations as against the President of the Panchayat. That apart, a perusal of the order passed by the first respondent dated 08.07.2024 also revealed that the petitioner and the President are not co-operating each other and making allegations against each other. Therefore, the fifth respondent has been now given power to sign the cheque along with the President of the Panchayat.

7. In view of the complaint lodged by the petitioner levelling serious allegations, the enquiry is pending on the file of the first respondent. This Court was about to pass an order to cancel the cheque signing power from the President also.

8. The learned counsel for the fourth respondent would submit that the fourth respondent is now, ready and willing to co-operate with the Vice President to execute the works. That apart, the tenure of the President and the Vice President itself is now coming to an end and the first respondent is about to notify election for the Village Panchayat.



W.P.No.19761 of 2024

WEB COPY

9. Considering the above facts and circumstances of the case, the order impugned in this writ petition cannot be sustained and is liable to be quashed. Accordingly, the impugned order in Na.No.1748/ 2021/A3/ AD(VP), dated 08.07.2024 issued by the 1st respondent, is hereby quashed, on condition that the petitioner and the fourth respondent shall co-operate with each other to administer the Panchayat towards the welfare of the general public of the Panchayat. If any complaint raised against each other, the cheque signing power of the President as well as the Vice President shall stand automatically cancelled. The third respondent is empowered to administer the Village Panchayat in the manner known to law.

10. Accordingly, this writ petition stands allowed. Consequently, connected Miscellaneous petition is closed. No costs.

30.08.2024

Internet: Yes

Index : Yes/No



W.P.No.19761 of 2024

Neutral Citation : Yes/No
Speaking/Non Speaking order
mn
Note: Issue order copy on
or before 03.09.2024



WEB COPY



W.P.No.19761 of 2024

G.K.ILANTHIRAIYAN. J.

mn

To

1. The District Collector /
Inspector Of Panchayats,
Tiruvallur District, Tiruvallur.
2. The Assistant Director,
(Village Panchayats),
Collectorate,
Tiruvallur, Tiruvallur District.
3. The Block Development Officer,
(Village Panchayat),
Gummudipoondi Union,
Tiruvallur District.
4. The President,
Eguvarpalayam Village Panchayat,
Eguvarpalayam,
Gummudipoondi Union,
Tiruvallur District.

W.P.No.19761 of 2024

30.08.2024