



WP.Nos.20263 & 20265/2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE DR. JUSTICE A.D.MARIA CLETE

WP.Nos.20263 & 20265/2024

and

WMP.Nos.22173 to 22176/2024

R.Savithri

... Petitioner in
WP.No.20263/2024

R.Ravichandiran

... Petitioner in
WP.No.20265/2024

Vs.

1.The Director/Commissioner of Rural Development
Panagal Building, 15, Jeenis Road
Saidapet, Chennai.

2.The District Collector/Inspector of Panchayat
Coimbatore District, Coimbatore.

3.The Block Development officer
Periyanaickenpalayam Panchayat Union
Periyanaickenpalayam, SRKU Post
Coimbatore 641 020.

... Respondents in both petitions



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Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records on the file of the 2nd respondent in connection with the proceedings in Na.Ka.No.685/2022/A3 dated 08.07.2022 and quash the same as illegal.

For Petitioners in both
Petitions : Mr.R.Singaravelan, Senior counsel
for Mr.I.Saddam Hussain
For Respondents in
both Petitions : Mr.M.R.Gokul Krishnan, AGP

ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

(1)The present writ petitions are filed challenging the orders passed by the 2nd respondent, District Collector / Inspector of Panchayats withdrawing the cheque signing power of President and Vice President even without issuing a show cause notice.

(2)This Court, in an identical situation, in a batch of writ petitions, in ***WP.Nos.27855, 27967 & 27968/2022 dated 12.09.2024***
[R.RANGARAJ AND OTHERS Vs. THE DIRECTOR /
COMMISSIONER OF RURAL DEVELOPMENT AND OTHERS],



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considered the scope of Section 203 of Tamil Nadu Panchayats Act, 1994 and held as follows:-

"25.From the examination of the provisions of the Act as well as the precedents, we have above referred to, the conclusion inescapable is that the Inspector of Panchayat enjoins a power to revoke the cheque signing authority temporarily in case the circumstances contemplated under Section 203 of the Act exist. In a case where the President or Vice President refuses to sign cheque and thereby trying to delay execution of any work or doing of any act which a Panchayat or Executive Authority or Commissioner is empowered to execute. However, in a case where there are mere allegations of misappropriation, mismanagement or other allegations which warrant the Inspector of Panchayat to take action under Section 205 of the Act, the emergency power cannot be exercised under Section 203 of the Act to withdraw or suspend the cheque signing authority of elected President or Vice President of the Panchayat.

26.Coming to the case on hand, the writ petitioners in all the writ petitions are elected



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Presidents of different Panchayats. In all the cases, there was no prior notice giving any opportunity to the writ petitioners. Therefore, the impugned orders are in violation of principles of natural justice and hence, they are liable to be quashed.

27.It is also to be noted that the allegations against the writ petitioners do not warrant invocation of emergency power of Collector under Section 203 of the Act to suspend even temporarily the cheque signing authority of the President. The respondents in their counter affidavit has failed to satisfy the statutory requirement in tune with Rule 3 of the Rules 2001 before exercising the power under Section 203 of the Act.

*28.In the result, the **writ petitions are allowed and the impugned orders dated 26.09.2022 are quashed.** However, it is open to the respondents to initiate fresh proceedings if it is required in law after issuing show cause notice to the writ petitioners in the individual cases in compliance of principles of natural justice. It may be remembered that for invoking Section 203 of the Act by the respondents, there must be in a situation that warrants invocation of*



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emergency power No costs. Consequently, connected miscellaneous petitions are closed."

(3) Hence, the above writ petitions are **allowed in the same terms** and the impugned orders of the 2nd respondent dated 08.07.2022 stands **quashed**. However, it shall be remembered that for invoking the emergency power under Section 203 of Panchayats Act, by the respondents, there must be a situation that warrants invocation of emergency power. No costs. Consequently, connected miscellaneous petitions are closed.

[S.S.S.R., J.] [A.D.M.C., J.]
04.10.2024

AP

Internet : Yes



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To

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