



WEB COPY



W.P.Nos.27251 and 30257 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2024

CORAM:

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

W.P.Nos.27251 and 30257 of 2023
and W.M.P.Nos.26679, 29856 and 29860 of 2023

W.P.No.27251 of 2023:-

K.Murugan

... Petitioner

-Vs-

1. The District Collector /
Inspector Of Panchayat,
Udhagamandalam, Nilgiris District.
2. The Block Development Officer- Village Panchayat,
Coonoor,
Nilgiris District.

3. RM.Gopaalraj

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records of the first Respondent in Proceedings bearing Se.Mu.Ka.No.1390/2021/Oo5, dated 04.09.2023 and quash the same as arbitrary, illegal and without any basis.

For Petitioner	: Mr.P.S.Prabu
For R1	: Mr.S.Arumugam Government Advocate
For R2	: Mr.R.Kumaravel Additional Government Pleader
For R3	: Mr.C.V.Subramanian



W.P.Nos.27251 and 30257 of 2023

W.P.No.30257 of 2023:-

RM.Gopaalraj

... Petitioner

-Vs-

1. The District Collector /
Inspector Of Panchayat,
Udhagamandalam, Nilgiris District.
2. The Block Development Officer- Village Panchayat,
Coonoor,
The Nilgiris District.
3. The Assistant Director of Panchayat,
Udhagamandalam, The Nilgiris District.

4. K.Murugan

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records comprised in the proceedings of the first respondent dated 04.09.2023 in Se. Mu.Ka.No.1390/2021/U5 and quash the same as illegal and without jurisdiction and consequently direct the first respondent to proceed the action against the fourth respondent afresh based on the report of the Enquiry Officer, in terms of provisions of Section 205 of the Tamil Nadu Panchayat Act within a reasonable time to be fixed by this Hon'ble Court.

For Petitioner	: Mr.C.V.Subramanian
For R1 and R3	: Mr.S.Arumugam Government Advocate
For R2	: Mr.R.Kumaravel Additional Government Pleader
For R4	: Mr.P.S.Prabhu



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COMMON ORDER

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Both the writ petitions have been filed challenging the same order passed by the first respondent under Section 204 of the Tamil Nadu Panchayat Act, thereby removed the cheque signing power of the petitioner in W.P.No.27251 of 2023. Therefore, this Court is inclined to pass common order.

2. Heard both sides and perused the materials available on record.

3. The petitioner in W.P.No.27251 of 2023 is the President of Yedappalli Village Panchayat and the petitioner in W.P.No.30257 of 2023 is the Vice President of the same Panchayat. They were elected as President and Vice President in the Panchayat election which was held in the year 2019. While being so, the Vice President made so many allegations as against the President. However, it was not considered and as such, the Vice President approached this Court in W.P.No.7918 of 2022. This Court, by an order dated 06.07.2022, directed the first respondent to conduct enquiry and pass orders. Accordingly, the President was issued with show cause notice and he submitted his explanation.



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4. Without being satisfied with the same, the first respondent passed an order under Section 204 of the Tamil Nadu Panchayat Act, thereby removed the power of the President from signing the cheque for a period of six months from the date of the order i.e., from 04.09.2023 to 03.03.2024. However, in view of the interim order passed by this Court, the President is signing the cheque along with the Vice President. That apart, the time of withdrawal of cheque power is also expired now.

5. The learned counsel for the Vice President submitted that when the first respondent was not satisfied with the explanation submitted by the President, the first respondent ought to have initiated action under Section 205 of Tamil Nadu Panchayat Act as against the President by removing him from the post of the President. Instead, the first respondent passed an order under Section 204 of the Tamil Nadu Panchayat Act. He also pointed out that the allegations are very serious as against the President.

6. The learned counsel for the President submitted that simultaneously, a complaint was lodged by the President as against the Vice President. The enquiry was conducted and the first respondent passed an order under Section 204 of the Tamil Nadu Panchayat Act, thereby withdrawn the cheque signing



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power of the Vice President. However, it was not challenged and now, the President and the Block Development Officer are the cheque signing authority for the Yedappalli Village Panchayat, Coonoor, Nilgiris district. That apart, the President, along with other members of the Panchayat passed a resolution to remove the Vice President and submitted before the first respondent and it is pending.

7. In view of the above, the first respondent is directed to conduct enquiry and after giving an opportunity of hearing to the President as well as the Vice President, pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above directions, this writ petition is disposed of. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

04.10.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
mn

G.K.ILANTHIRAIYAN. J.

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To

1. The District Collector /
Inspector Of Panchayat,
Udhagamandalam, Nilgiris District.
2. The Block Development Officer- Village Panchayat,
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The Nilgiris District.
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