



W.P.No.27125 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2024

CORAM:

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

W.P.No.27125 of 2024
and W.M.P.No.29644 of 2024

K.Annamalai

...Petitioner

-Vs-

1. The District Collector,
Office of the District Collector,
Kallakurichi District.
2. The Additional District
(Project and Planning)
Rural Development Office,
District Collectorate,
Kallakurichi District.
3. The Assistant Director (Panchayat)
Office of the District Collector,
Kallakurichi.
4. The Assistant Director (Audit)
Office of the District Collector,
Kallakurichi District.
5. The Tahsildar,
Office of the Tahsildar,
Ulundurpet,
Kallakurichi Taluk.
6. The Block Development Officer,



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Office of the Block Development Officer,
Thirunallaur Block,
Kallakurichi District.

7. The President,
Chengurichi Panchayat,
Ulundurpet Taluk,
Kallakurichi District.

8. Uma Maheswaran
Panchayat Clerk,
Chengurichi Panchayat,
Kallakurichi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records in connection with the proceedings of the fifth respondent in Na.Ka.A3/1534/2024 dated 24.08.2024 and quash the same as illegal and improper.

For Petitioner	: Mr.S.Kingston Jerold
For Respondents	
For R1 to R5	: Mr.V.Manoharan Additional Government Pleader
For R6 & R7	: Mr.A.M.Ayyadurai Government Advocate

ORDER

This writ petition has been filed challenging the summons issued by the fifth respondent dated 24.08.2024 for the meeting to be convened on 11.09.2024.



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2. The petitioner was elected as Panchayat Member of the 8th ward in the year October, 2021 for the Chengurichi Panchayat, Kallakurichi District. Thereafter, the petitioner was elected as Vice-President for the said panchayat union. The eight respondent was appointed as Panchayat Clerk. There was irregularity and misappropriation of panchayat funds by the eighth respondent and therefore, the petitioner objected the same and lodged complaint to the respondents 1 to 6. However, there was no action as such, the petitioner was constrained to file a writ petition in W.P.No.6967 of 2024 and this Court by an order dated 22.03.2024, directed the respondents 1 to 6 to conduct enquiry on the representation submitted by the petitioner and submit compliance report before this Court.

3. That apart, the seventh respondent has also misappropriated huge money connived with the eight respondent. When the petitioner questioned the same, one of the ward member lodged complaint as against the petitioner and to initiate “no confidence motion”. On receipt of the said complaint, the first respondent without even complying the provisions under Section 205 of the Tamil Nadu Panchayat Act, straight away directed the fifth respondent to convey a meeting and submit a



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report to remove the petitioner from the post of Vice President.

Challenging the said summon, the petitioner filed the present writ petition.

4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. On perusal of records revealed that on receipt of the complaint from one of the ward member, the first respondent directed the fifth respondent to proceed in accordance with law under Section 211 of the Panchayat Act. However, the fifth respondent without complying the provisions under Section 211 (3) of the Panchayat Act, straight away ordered to convene the meeting without giving an opportunity to the petitioner to submit his explanation for the allegations made as against him. Hence, the impugned summon issued by the fifth respondent cannot be sustained and liable to be quashed.

6. Accordingly, the impugned proceedings of the fifth respondent in Na.Ka.A3/1534/2024 dated 24.08.2024, is hereby quashed. The fifth respondent is at liberty to comply the provisions under



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Section 211(3) of the Tamil Nadu Panchayat Act and proceed as against the petitioner in accordance with law.

7. With the above directions, the Writ Petition stands allowed.

Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.

11.09.2024

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation : Yes/No

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