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W.P.No.28570 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE C.V. KARTHIKEYAN

W.P.No.28570 of 2024
and WMP.No.31144 of 2024

P. Venkatesan

... Petitioner

Vs

1. The Additional Principal Secretary to
Government of Tamil Nadu Rural
and Panchayat Raj Department,
Secretariat, Chennai 600 009.
2. The District Collector of Thiruvallur/
Inspector of Panchayat
Collector Office, Thiruvallur District.
3. The Block Developoment Officer,
Kadambattur Panchayat Union,
Thiruvallur District 602 105.
4. The Tahsildar of Thiruvallur,
Thiruvallur.

.... Respondents

R1 suo motu impleaded by this Court vide order dated 25.11.2024.



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Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari or any other appropriate writ or order or direction of like nature by calling for the records of the 1st respondent dated 27.08.2024 in bearing Na.Ka.No.1444B/2022/A3/Uu.E(Uue) and quash the same.

For Petitioner : Mr.G.Devi

For Respondents : Mr.V.Manoharan
Additional Govt.Pleader
for R2 & R3

R4 – No appearance

ORDER

This writ petition has been filed for issuance of a writ of Certiorari to call for the records of the 1st respondent dated 27.08.2024 in bearing Na.Ka.No.1444B/2022/A3/Uu.E(Uue) and quash the same.

2. The petitioner P.Venkatesan was the President of Thodukadu Panchayat, Kadambattur Panchayat Union in Thiruvallur district. He had earlier filed a writ petition in W.P.No.18493 of 2023



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seeking action for recovery of property tax dues from the industries which were operating within the jurisdiction of the Panchayat. The 1st respondent/District Collector of Thiruvallur/Inspector of Panchayat had informed that notices had been issued to 26 industries directing them to settle the entire dues of property tax. It is contended that they had not complied with the direction. The 1st respondent had directed the authorities to conduct an enquiry. It is under those circumstances, that the earlier writ petition has been filed. Immediately thereafter, the Commissioner, Kadambattur Panchayat Union had been directed to take departmental action against the said industries. It has also been stated that the petitioner had filed a contempt petition since no effective steps were taken to collect property tax. A communication was received by the petitioner on 08.04.202 directing him to submit all records relating to the period from April 2023 to March 2024. He claims that he had informed the Block Development Officer about all the necessary records. It is stated that the Commissioner had alleged that the petitioner had produced a false figure of tax collection. Notices had been exchanged between the parties and enquiry had been conducted against the petitioner herein. The petitioner had also



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given necessary explanation but however the impugned order came to be passed under Section 205 (10) and (11) of the Tamil Nadu Panchayat Act, 1994 and the petitioner was removed from the post as President.

3. Questioning the said removal, the writ petition has been filed. Simultaneously, the petitioner has also preferred an appeal before the Additional Principal Secretary to the Government of Tamil Nadu Rural and Panchayat Raj Department, Secretariat, Chennai – 9.

4. In view of the pendency of the said appeal, this Court suo motu impleads Additional Principal Secretary to the Government of Tamil Nadu Rural and Panchayat Raj Department, Secretariat, Chennai 600 009 as the 1st respondent in the writ petition. Registry is directed to carryout the necessary amendment in the cause title and rearrange the existing 1 to 3 respondents as 2 to 4 respondents.

5. Since the petitioner has availed of the appellate provision,



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it would not be proper on the part of this Court to examine the grounds questioning his removal as the President of Thodukadu Panchayat, Kadambattur Panchayat Union. It is now open to the appellate authority to examine the issue.

6. Therefore without going into the merits of the case, I would issue a direction to the newly impleaded 1st respondent namely Additional Principal Secretary to the Government of Tamil Nadu Rural and Panchayat Raj Department, Secretariat, Chennai-9 to examine the appeal filed by the petitioner on 28.09.2024 in the manner known to law as expeditiously as possible.

7. The learned counsel for the petitioner stated that there is every possibility of the Government to issue notification on or before 15.12.2024 calling for fresh election from various panchayats. It is stated that if an order is not passed in the appeal before the notification date issued then the petitioner would be put to much loss and hardship and serious prejudice.

8. A direction is given to the newly impleaded 1st respondent



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to dispose of the appeal dated 28.09.2024 in the manner known to law before 12.12.2024. If the notification is postponed or delayed then before the date of the notification or before the date on which nomination of election are called for, the appeal may be disposed of.

9. With the above direction, the writ petition is disposed of. No costs. Consequently connected miscellaneous petition is also closed.

25.11.2024

dpq
Index: Yes/No
Speaking order / Non speaking order

To

1. The Additional Principal Secretary
to Government of Tamil Nadu Rural
and Panchayat Raj Department,
Secretariat, Chennai – 600 009.
2. The District Collector of Thiruvallur/
Inspector of Panchayat
Collector Office, Thiruvallur District.

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3. The Block Development Officer,
Kadambattur Panchayat Union,
Thiruvallur District 602 105.
4. The Tahsildar of Thiruvallur,
Thiruvallur.

C.V. KARTHIKEYAN, J.

dpq

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Issue order copy on 26.11.2024



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