



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2024

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 31469 of 2024

And

W.M.P.No. 34188 of 2024

K.R.Umapathy

... Petitioner

..Vs..

1. The District Collector / Inspector of Panchayat
Vellore District,
Vellore.

2. The Block Development Officer
Gudiyatham Panchayat Union
Gudiyatham.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the entire records in respect of the order passed by Inspector of Panchayat/ District Collector dated 26.07.2024 in Na.Ka.No. A5/2577/2024 and quash the same and consequently direct the respondents to give cheque signing authority to the President of Panchayat.



For Petitioner :: Mr. D.Rajagopal

For 1st Respondent :: Mr.V.Nanmaran
Additional Government Pleader

For 2nd Respondent :: Mr. C.Selvaraj
Additional Government Pleader

ORDER

The petitioner is the President of Seevur Panchayat in Vellore District.

2. The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records of the first respondent/ District Collector / Inspector of Panchayat in Vellore District, relating to an order dated 26.07.2024 and to set aside the same and direct the first respondent to restore the cheque signing power to the petitioner in accordance with the Tamilnadu Panchayats Act 1994.

3. In the affidavit filed in support of the Writ Petition, it had been stated that the petitioner had been elected as President of Seevur Panchayat in Gudiyatham Taluk, Vellore District. He had been discharging his duties. It had been contended that there were several



disputes between the petitioner and the Vice President of the Panchayat Union. The first respondent examined the disputes. It had been further stated that without issuing any notice and without conducting any enquiry, the impugned order had been passed by the first respondent withdrawing the cheque signing power taking recourse Sections 203, 204, 205 (1)(a) of the Tamilnadu Panchayats Act 1994. Questioning that particular order, the present Writ Petition has been filed.

4. A counter affidavit had been filed by the first respondent contending that several financial irregularities were found in the Panchayat. It had been contended that a show cause notice dated 18.06.2024 had already been issued calling upon the petitioner to give necessary explanation. It had been further stated that in accordance with Section 203 and Section 204(1) of the Tamilnadu Panchayats Act 1994, the cheque signing power of the petitioner had been withdrawn and the power had now been conferred on the Zonal Deputy Block Development Officer. It had been stated that to the show cause notice, a reply had also been received on 10.07.2024 and after examining the explanation, the said order had been passed.



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5. However, the provision of law requires that proper enquiry must be conducted and an opportunity must be granted to the petitioner. Personal hearing should also have been granted. If required, the petitioner must also have been permitted to examine the records. Thereafter, the first respondent must come to a subjective satisfaction about the necessity to withdraw the cheque signing power. The power under Section 203 of the Act is an Eemergency power of the first respondent. It is seen that the provision under which the cheque signing had been removed was primarily under Section 203 of the Tamilnadu Panchayats Act 1994.

6. In **2013 (2) CTC 846 [Logeswari Vs. The District Collector and others]**, a learned Single Judge had examined the very same issue. The question before the learned Single Judge had been reduced in paragraph Nos. 7 and 8, which are as follows:-

“7. The cheque signing power given to the petitioner under Sub- Section (3) of Section 188 of the Panchayats Act was taken away by the District Collector by invoking the emergency powers under Section 203 of the Act.



8. The moot question, therefore, is as to whether such a drastic power is available to the District Collector under Section 203 of the Act."

7. After examining the law and the point, the answer had been given in paragraph Nos. 25 and 26, which are as follows:-

"25. The law is, therefore, clear that the District Collector has no power under Section 203 of the Panchayat Act to take away the cheque signing power of the President and the Vice President.

26. Therefore, I am of the view that the first respondent was not justified in invoking the jurisdiction under Section 203 of the Act to divest the President of her cheque signing power."

8. It is thus clear that the power of the first respondent to withdraw the cheque signing power cannot be invoked under Section 203 of the said Act. The impugned order suffers and it is set aside. However the right of the first respondent to initiate action in manner



known to law afresh by following due procedure as enunciated under the Act is retained. The first respondent may proceed further in manner known to law.

9. The Writ Petition stands allowed. Consequently, connected Miscellaneous Petition stands closed. No order as to costs.

09.12.2024

vsg
Index: Yes/No
Internet: Yes/No
Speaking / Non Speaking Order

(¹/₂)

To

1. The District Collector / Inspector of Panchayat
Vellore District,
Vellore.
2. The Block Development Officer
Gudiyatham Panchayat Union
Gudiyatham.



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C.V.KARTHIKEYAN, J.,

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