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W.P.Nos.30282 & 30307 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2024

CORAM:

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

W.P.Nos. 30282 & 30307 of 2024

W.P.No.30282 of 2024

1.R.C.Arjunan

2.M.Saranya

..... Petitioners

Vs

1.The Inspector of Panchayats and District Collector,
Ranipet District,
Ranipet – 632 401.

2.The Assistant Director (Panchayats),
Ranipet District,
Ranipet – 632 401.

3.The Block Development Officer (VP)
Kaveripakkam Panchayat Union,
Kaveripakkam,
Ranipet District.

..... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorari, calling for the records of the first respondent pertaining to the proceedings in Na.Ka.A3/2262/2024 dated 30.09.2024 and quash the same.

W.P.No.30307 of 2024

1.R.C.Arjunan

2.M.Saranya

..... Petitioners



W.P.Nos.30282 & 30307 of 2024

Vs

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1.The Inspector of Panchayats and District Collector,
Ranipet District,
Ranipet – 632 401.

2.The Assistant Director (Panchayats),
Ranipet District,
Ranipet – 632 401.

3.The Block Development Officer (VP)
Kaveripakkam Panchayat Union,
Kaveripakkam,
Ranipet District.

4.The Thasildar,
Sholingar Taluk,
Ranipet District

..... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorari, calling for the records of the first respondent pertaining to the proceedings in Na.Ka.A3/2262/2024 dated 30.09.2024 relating to convening the meeting of Bhanavaram Village Panchayat, Kaveripakkam Panchayat Union, Ranipet District by the fourth respondent and quash the same.

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For Petitioner : Mr.S.Kamadevan

For R1 & R2 : Mr.V.Manoharan
Additional Government Pleader

For R3 : Mr.R.Kumaravel
Additional Government Pleader



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W.P.No.30307 of 2024

For Petitioner : Mr.S.Kamadevan
For R1 & R2 : Mr.V.Manoharan
Additional Government Pleader
For R3 : Mr.R.Kumaravel
Additional Government Pleader
For R4 : Mr.A.M.Ayyadurai
Government Advocate

COMMON ORDER

Both the Writ Petitions have been filed challenging the notice dated 30.09.2024 issued by the first respondent, thereby directing the fourth respondent to convene a meeting on 15.10.2024 as contemplated under Section 205 of the Tamil Nadu Panchayat Act.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. In both the petitions, the first petitioner is the President and the second petitioner is the Vice-President of Bhanavaram Village Panchayat, Kaveripakkam Panchayat Union, Ranipet District. The first petitioner had participated in the election and he was elected as President of Bhanavaram Village Panchayat. The second petitioner was elected as



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Ward Member and subsequently, elected as Vice-President of Bhanavaram Village Panchayat. On receipt of the complaint, the first respondent issued a notice dated 08.07.2024, thereby calling upon the petitioners to submit their explanations under Section 205(1) of the Tamil Nadu Panchayat Act, 1994, consisting of several allegations. The first petitioner is facing 24 charges and the second petitioner is facing 21 charges. On receipt of such notice, both the petitioners had submitted their explanations. The first respondent, without satisfying the explanation submitted by the petitioners, directed the fourth respondent to convene a meeting on 15.10.2024 as contemplated under Section 205 of the Tamil Nadu Panchayat Act. Thereafter, once again the second respondent herein had sent another notice dated 03.10.2024, thereby calling upon the petitioners to submit further explanation for the charge Nos.8,10,15,16 & 17 on or before 08.10.2024. On 08.10.2024, both the petitioners had submitted their explanations. On 30.09.2024 itself, the cheque signing powers of the petitioners were also withdrawn. Therefore, the petitioners filed a writ petition before this Court in W.P.No.30282 of 2024 challenging the order passed by the first respondent dated 30.09.2024, thereby withdrawn the cheque signing powers under Section 203 of the Tamil Nadu Panchayat Act.



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4. The learned Additional Government Pleader submitted that even after issuance of notice, the first respondent ordered to withdraw the cheque signing power more than Rs.10 Lakhs, which have been misappropriated by the petitioners. Whatever the explanations submitted by the petitioners can be explained before the fourth respondent during the meeting to be held on 15.10.2024. Therefore, it is not violation of any of the provision as contemplated under Section 205 of the Tamil Nadu Panchayat Act.

5. The learned counsel appearing for the petitioners would submit that the petitioners were asked to submit further explanations insofar as the charge Nos. 8, 10, 15, 16 & 17 is concerned and the second respondent, without seeing the explanations and without stating any reason, rejected the explanations submitted by the petitioners. The first respondent cannot direct the fourth respondent to convene a meeting. Insofar as the withdrawal of cheque signing power is concerned, the first respondent has no power to withdraw the cheque signing power under Section 203 of the Tamil Nadu Panchayat Act.



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6. A perusal of the records reveals that initially the petitioners were directed to submit their explanations for the notice dated 08.07.2024 within a period of 15 days. The said notice was issued by the second respondent and it was signed by the first respondent. On receipt of such notice, both the petitioners had submitted their detailed explanations. Without being satisfied with the explanations submitted by the petitioners, the first respondent directed the fourth respondent to convene a meeting on 15.10.2024.

7. While being so, once again the second respondent issued another notice dated 03.10.2024, thereby calling upon the petitioners to submit further explanations for the charge Nos.8, 10, 15, 16 & 17. On receipt of the same, both the petitioners had submitted their explanations on 03.10.2024. Thus, it is clear that without even seeing the explanations submitted by the petitioners, no meeting can be convened by the fourth respondent. Only on seeing the explanations submitted by the petitioners, the first respondent can order for meeting to be convened by the fourth respondent. Therefore, the notice dated 30.09.2024 impugned in this writ petition cannot be sustained and it is liable to be quashed.



8. The prayer of withdrawing the cheque signing power under Section 203 of the Tamil Nadu Panchayat Act in W.P.No.30282 of 2024 is concerned, it is relevant to extract the provision under Section 203 of the Tamil Nadu Panchayat Act, which reads as follows :-

“203. Emergency Powers of Collector and Inspector :-

Subject to such control as may be prescribed, the Inspector or the Collector may, in cases of emergency, direct or provide for the execution of any work, or the doing of any act which a Panchayat or Executive Authority or Commissioner or Secretary is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the safety of the public and may direct that the expense of executing such work or doing such act shall be paid by the person having the custody of the Village Panchayat Fund or the Panchayat Union (General) Fund or the District Panchayat (General) Fund in priority to any other charges against such fund except charges for the service of authorised loans”.

6. *The powers conferred upon the first respondent under Section 203 of the Act is not intended to act as authority to take disciplinary proceedings against the President or Vice President. The Government wanted the activities of the panchayats to be taken up emergently, without obtaining formal orders from the panchayat or executive authority. In case the first respondent is of the*



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view that the execution of a particular work is imminent or the doing of particular thing is necessary for the safety of the public, it is open to him to take up such works without the association of the panchayat or executive authority. Further, in case emergent action is necessary, and it is not practically possible to obtain the sanction of the village panchayat or the panchayat union council, it is open to the executive authority or the Commissioner to execute such work and to pay the expenses of executing such work out of the village panchayat fund or the panchayat union fund, as the case may be. Therefore, the first respondent cannot act as an extra constitutional authority over democratically elected President and Vice President of the panchayat. In case the elected president or vice president indulges in acts of misuse of authority and the cheque signing power should be taken away, it is for the legislature to incorporate appropriate provisions to confer such express powers of suspension on the first respondent. Further, the first respondent is given power under Section 205 of the Act to remove the President from office. Similar powers are given under Section 206 of the Act for the purpose of removal of Vice President. Therefore, it is clear that the first respondent has no power under Section 203 of the Act to take away the cheque signing power of the President and the Vice President.



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9. In view of the above, the order impugned dated 30.09.2024 in W.P.No.30282 of 2024 cannot be sustained and it is liable to be quashed. Accordingly, it is hereby quashed.

10. Insofar as W.P.No.30307 of 2024 is concerned, the order impugned dated 30.09.2024 is hereby quashed. The first respondent is directed to go through the explanations submitted by the petitioners dated 08.10.2024 for the charge Nos.8,10,15,16 & 17 and if not satisfied with the explanations submitted by the petitioners, proceed further in accordance with law.

11. In the result, both the writ petitions stand allowed. Consequently connected miscellaneous petitions are closed. No costs.

14.10.2024

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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To

1.The Inspector of Panchayats and District Collector,
Ranipet District,
Ranipet – 632 401.



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2.The Assistant Director (Panchayats),
Ranipet District,
Ranipet – 632 401.

3.The Block Development Officer (VP)
Kaveripakkam Panchayat Union,
Kaveripakkam,
Ranipet District.

4.The Thasildar,
Sholingar Taluk,
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