



WEB COPY



W.A.No.3135 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR. JUSTICE P.B.BALAJI

W.A.No.3135 of 2024
and C.M.P.No.24068 of 2024

M. Venda

... Appellant

Vs.

1. The Inspector of Panchayats/ District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2. The Tahsildar,
Polur,
Thiruvannamalai District.

... Respondents

PRAYER: The Writ Appeal is filed under Clause 15 of the Letters Patent to allow the Writ Appeal and set aside the order passed by this Court made in W.P.No.13202 of 2024 dated 05.09.2024.

For Appellant : Mr.L.P.Shanmugasundaram

For Respondent : Mr.V.Yamunadevi
Nos.1 and 2 Special Government Pleader

JUDGMENT



W.A.No.3135 of 2024

(Judgment of the Court was delivered by **D.KRISHNA KUMAR, J.**)
WEB COPY Assailing the order passed by the learned Single Judge in

W.P.No.13202 of 2024 dated 05.09.2024, the writ petitioner has filed the present writ appeal.

2. The appellant was a elected President of Kilpattu Village Panchayat from 06.01.2020 and she was arrested for the offences committed under the Prevention of Corruption (Amedment) Act 2018 in FIR No. 5/2023, dated 03.05.2023. Subsequently, a notification, dated 29.02.2024 was issued by the District Collector (Seyyar Division), Thiruvannamalai, dismissing the appellant from the post of President and consequently, a Government Gazette was also issued on 12.03.2024 in this regard. Challenging the said notification and the Gazette, the appellant has filed the writ petition and the same was dismissed. The order passed by the learned Single Judge is impugned herein.

3. Though learned counsel for the appellant is taking efforts to satisfy this court to entertain the writ appeal, learned Special Government Pleader appearing for the respondents submitted that, without availing the appeal remedy before the appellate authority, the appellant/ writ



W.A.No.3135 of 2024

petitioner has filed the writ petition under Article 226 of Constitution of India. Hence, the present writ appeal, challenging the said order of the writ court is not maintainable.

4. At this juncture, learned counsel for the appellant seeks liberty to approach the appellate authority.

5. Recording the submission made by the learned counsel on either side, we dispose of the writ appeal as follows.

i) The impugned order passed by the learned Single Judge in W.P.No.13202 of 2024, dated 05.09.2024 is set aside.

ii) The appellant is permitted to prefer an appeal before the appellate authority, as against the impugned notification and the gazette, within a period of two weeks from the date of receipt of a copy of this order.

iii) On receipt of such appeal, it is for the appellate authority to consider the same and to take appropriate decision on its own merits and



W.A.No.3135 of 2024

in accordance with law, within a period of eight weeks there after.

WEB COPY

6. Accordingly, this writ appeal is disposed of. There shall be no order as to costs. Consequently, connected CMP No. 24068 of 2024 is closed.

(D.K.K, J.) (P.B.B., J.)
25.10.2024

mst

To

1. The Inspector of Panchayats/ District Collector,
Thiruvannamalai District,
Thiruvannamalai.
2. The Tahsildar,
Polur,
Thiruvannamalai District.



WEB COPY



W.A.No.3135 of 2024

D.KRISHNAKUMAR, J.

and

P.B.BALAJI, J.

mst

W.A.No.3135 of 2024
and C.M.P.No.24068 of 2024

25.10.2024