



W.P.No.32264 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2024

CORAM:

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

W.P.No.32264 of 2023

G.Jayaprakas

... Petitioner

Vs.

1.The Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariate Fort St.George,
Chennai 600 009

2.The District Collector,
Tirupur District,
Tirupur

3.Latha Kamachi Ayyavu

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of certiorari calling for the records relating to the proceedings of the first respondent dated 03.10.2023, made in letter No.17711/Para.4.2022-7 confirming the order of the second respondent dated 10.06.2021 in Na.Ka.No.2121/2020/A1, quash the same.

For Petitioner : Mr.M.Devaraj

For Respondents

For R1 & 2 : Mr.V.Manoharan,
Additional Government Pleader



W.P.No.32264 of 2023

For R3 : Mr.S.Balamurugan

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 03.10.2023 confirming the order passed by the second respondent dated 10.06.2021 thereby dropped the proceedings initiated under Section 205 of the Tamilnadu Panchayats Act, 1994.

2. The third respondent was elected as Panchayat President of Kanakampalayam Village Panchayat, Udumalpet, Tiruppur District. On account of the irregularities, complaints were lodged and special audit was conducted. As per the audit report dated 18.08.2020, 15 irregularities were pointed out. As per the audit report, the second respondent issued show cause notice invoking Section 205(1) of the Panchayats Act. It was also challenged by the third respondent in WP.No.15386 of 2020 and this Court by order dated 18.02.2021, directed the second respondent to take decision within a period of eight weeks from the date of receipt of the order after affording opportunity to the third respondent. On enquiry, the



W.P.No.32264 of 2023

second respondent exonerated the third respondent and the same was confirmed by the first respondent.

3. The learned counsel for the petitioner would submit that as per the special audit report, 15 irregularities were pointed out, based on which the proceedings under Section 205 of the Panchayats Act was initiated as against the third respondent. The irregularities were about calling for tenders, engaging persons for clearing wastes, purchasing sanitary items without calling for tender, purchasing equipments for street line without calling for tender thereby caused loss to the tune of Rs.23 lakhs. In fact, the third respondent categorically admitted her guilt and had given assurance that it will not happen in future. Even then, the second respondent exonerated the third respondent from all the charges. Unfortunately the first respondent also confirmed the order passed by the second respondent without considering the grounds raised by the petitioner. Though this Court specifically directed to give opportunity of hearing to the petitioner in the enquiry, the petitioner was not heard by the second respondent and exonerated the third respondent from all charges.



W.P.No.32264 of 2023

WEB COPY

4. On perusal of the counter filed by the third respondent and on hearing the submissions of the learned counsel appearing for the third respondent, revealed that the third respondent's panchayat is one of the biggest Village Panchayat in Tiruppur District. During covid 19 pandemic circumstances in the year 2020, the panchayat had played vital role in the protection of initiatives to ensure the implementation of Government Rules. During covid 19, some expenses were incurred to ensure timely execution of essential works.

5. Admittedly, there was no misappropriation of funds in the accounts. On a complaint, the third respondent was issued notice dated 03.09.2020 under Section 205(1) of the Tamilnadu Panchayats Act, 1994 for removal of her presidentship. On receipt of the same, the third respondent submitted detailed explanation. However, no order has been passed and as such, the petitioner was not given cheque signing power by invoking emergency power under Section 203 of the Tamilnadu Panchayats Act. It was challenged before this Court in WP.No.15386 of 2020 and this Court directed the second respondent to proceed with the



W.P.No.32264 of 2023

enquiry and take a decision within a period of eight weeks. After fulfilled enquiry, the second respondent dropped further proceedings and thereby exonerated the third respondent from all the charges. It is relevant to extract the provisions under Section 205(2) of the Tamilnadu Panchayats Act hereunder:

(2) If the explanation is received within the specified date and the Inspector considers that the explanation is satisfactory, he may drop further action with respect to the notice. If no explanation is received within the specified date or if the explanation received is in his opinion not satisfactory, he shall forward to the Tahsildar of the Taluk a copy of the notice referred to in sub-section (1) and the explanation of the president if received within the specified date the a proposal for the removal of the president for ascertaining the views of the village panchayat.

5.1 Thus, it is clear that the second respondent may drop further action initiated under Section 205(1) of the Tamilnadu Panchayats Act if the explanation of the President is satisfactory. Under Section 205(1) of the said Act, if any final order passed in respect of removing the President from the post, then the first respondent shall have power to cancel the same. Whereas in the case on hand, no final order has been



W.P.No.32264 of 2023

WEB COPY

passed under Section 205(1) of the Act. Therefore, appeal cannot be filed under Section 205(12) of the Act. However, as directed by this Court in WP.No.17601 of 2023 dated 14.06.2023, the first respondent dealt with the appeal filed by the petitioner on merits and in accordance with law and rejected the same. Therefore, this Court finds no infirmity or illegality in the impugned orders. As such, this writ petition is devoid of merits and the same is liable to be dismissed.

6. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

19.08.2024

Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order

lok



WEB COPY



W.P.No.32264 of 2023

G.K.ILANTHIRAIYAN, J.

lok

To

- 1.The Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariate Fort St.George,
Chennai 600 009
- 2.The District Collector,
Tirupur District,
Tirupur

W.P.No.32264 of 2023

19.08.2024