



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2024

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.34138 of 2024
and W.M.P.No.36955 of 2024

Dhakshnamoorthy

.. Petitioner

Vs.

- 1.The Principal Secretary,
Rural Development and Panchayat Raj,
Secretariat,
Fort St. George,
Chennai – 600 009.
- 2.The District Collector-cum-Inspector of Panchayats,
Mayiladuthurai District,
Mayiladuthurai.
- 3.The Assistant Director of Panchayat (Audit)
Mayiladuthurai District,
Mayiladuthurai.
- 4.The Assistant Director (Panchayats)
Mayiladuthurai District,
Mayiladuthurai.
- 5.The Block Development Officer (Village Panchayats)
Sirkali Panchayat Union,
Sirkali,
Mayiladuthurai.



6.The Tahsildar,
Sirkali Taluk,
Mayiladuthurai District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2nd respondent in Na.Ka. No.536/A3/2021/U.E (Uoo) dated 27.09.2024 and to quash the same, consequently, directing the 2nd respondent permit the petitioner to discharge the duty of the president in Sttanathapuram Village Panchayat, Sirkali Taluk, Mayiladuthurai District.

For Petitioner	.. Mr.C.Prabakaran
For Respondents	.. Mr.S.J.Mohamed Sathik Government Advocate

ORDER

This writ petition has been filed in the nature of certiorarified mandamus seeking records relating to an order passed by the 2nd respondent, the District Collector-cum-Inspector of Panchayats, Mayiladuthurai District, dated 27.09.2024 and quash the same and permit the petitioner to discharge the duty of the President in Sattanathapuram Village Panchayat, Sirkali Taluk, Mayiladuthurai District.



2. In the affidavit filed in support of the writ petition, it had been stated that the petitioner was elected as President of Sattanathapuram Village Panchayat in the local body election. It had been stated that the 3rd respondent, Assistant Director of Panchayat (Audit) in Mayiladuthurai District conducted an audit inspection on 20.04.2023 and gave a report that panchayat funds were spent more than permitted limit for welfare activities. It is contended that the petitioner had therefore, caused loss to the village panchayat and had violated Sections 110 and 111 of the Tamil Nadu Panchayat Act, 1994. The report had been forwarded by the 3rd respondent to the 2nd respondent on 15.06.2024. Invoking Section 205(a) of the Tamil Nadu Panchayat Act, 1994, it is contended that the 2nd respondent issued a charge memo to the petitioner herein. A written explanation was given by the petitioner on 29.11.2023. Thereafter, the 2nd respondent issued a notice on 30.12.2023 to the 5th respondent, Block Development Officer (Village Panchayats), Sirkali Panchayat Union, Sirkali at Mayiladuthurai to conduct a meeting on 20.10.2023. It had been stated that the final Show Cause Notice was issued on 30.01.2024 by the 2nd respondent. It is contended that the petitioner had given a detailed explanation on 01.03.2024. However, the impugned order had been passed on 27.09.2024, which was received by the petitioner on 25.10.2024. Questioning that order, the present writ petition has been filed.



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3. A counter affidavit had been filed on behalf of the 2nd respondent, the District Collector-cum-Inspector of Panchayats, Mayiladuthurai District, wherein, it had been stated that the final Show Cause Notice has been issued on 30.01.2024 to the petitioner and the petitioner had given a detailed final explanation through his representation dated 01.03.2024. The actual statements in the counter affidavit are extracted below:

As a result of these discussions, a Final Show Cause Notice was issued to the petitioner on January 30, 2024, outlining the need for a response regarding the allegations. Furthermore, it is important to note that the petitioner has since provided a detailed final explanation through his representation dated 01.03.2024.

4. But however, in the impugned order, there is no reference of the representation dated 01.03.2024. It is just not known whether the 2nd respondent had actually considered the said representation. He is duty bound to consider the said representation. Therefore, the impugned order is set aside, but granting liberty to the 2nd respondent to consider the representation dated 01.03.2024. The final Show Cause Notice dated 30.01.2024 is maintained. But a fresh order should be passed after considering the representation dated 01.03.2024 in the manner known



to law and in accordance with procedure established by law and thereafter, final orders can be passed..

5.The impugned order is set aside to that limited extent. The writ petition stands allowed, but however, granting liberty to the 2nd respondent to proceed further in the manner known to law by passing further final orders for the final Show Cause Notice dated 30.01.2024 after considering the explanation dated 01.03.2024. No Costs. Consequently, connected miscellaneous petition is closed.

09.12.2024

Index:Yes/No
Internet:Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation:Yes/No
ssr

To

1.The Principal Secretary,
Rural Development and Panchayat Raj,
Secretariat,
Fort St. George,
Chennai – 600 009.



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C.V.KARTHIKEYAN,J.

SSI

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- 3.The Assistant Director of Panchayat (Audit)
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