



W.A.No. 3508 of 2

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No. 3508 of 2024
and
C.M.P.No. 27228 of 2024

The Inspector of Panchayats cum District Collector,
Perambalur District,
Perambalur.

...Appellant

Vs.

1.G.Prabhu,
The President,
V.Kalathur Village Panchayat,
Veppanthattai Block, Perambalur.

2.The Block Development Officer,
Veppanthattai Block,
Perambalur District.

3.The Vice President,
V.Kalathur Village Panchayat,
Veppanthattai Block,
Perambalur District.

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 12.08.2024 made in W.P.No.9453 of 2024.



For Appellant : Mr.P.Balathandayutham
Special Government Pleader
For Respondent : Mr.M.Subash

J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

The Government is on appeal, aggrieved by the order of the Writ Court, quashing the order of the appellant namely, the Inspector of Panchayats passed ostensibly under Section 203 of the Tamil Nadu Panchayat Act, 1994, withdrawing the cheque signing powers of the President of the Panchayat. The withdrawal was based on the fact that show cause notices were issued for taking action under Section 205 of the Tamil Nadu Panchayat Act, 1994.

2. The Writ Court took a view that Section 203 & 205 operate in two different situations and the power to withdraw the cheque signing powers cannot be exercised in contemplation of proceedings under Section 205 of the Act. On the said conclusion, the learned single Judge allowed the Writ Petition, quashing the order.

3. Though the learned Special Government Pleader would contend that once action is contemplated under Section 205, an emergency situation is deemed to have arisen and therefore, an order passed under Section 203 is



just and proper. We are unable to agree with the submissions of the learned Special Government Pleader. In fact, the issue is no longer res-integra. It is squarely covered by the judgment of a Division Bench of this Court made in W.P.Nos. 27855, 27967 & 27968 of 2022 dated 12.09.2024. After analysing the law relating to Section 203, the Division Bench had observed as follows:-

"25)From the examination of the provisions of the Act as well as the precedents, we have above referred to, the conclusion inescapable is that the Inspector of Panchayat enjoins a power to revoke the cheque signing authority temporarily in case the circumstances contemplated under Section 203 of the Act exist. In a case where the President or Vice President refuses to sign cheque and thereby trying to delay execution of any work or doing of any act which a Panchayat or Executive Authority or Commissioner is empowered to execute. However, in a case where there are mere allegations of misappropriation, mismanagement or other allegations which warrant the Inspector of Panchayat to take action under Section 205 of the Act, the emergency power cannot be exercised under Section 203 of the Act-to-withdraw or suspend the cheque signing authority of elected President or Vice President of the Panchayat.



(26) Coming to the case on hand, the writ petitioners in all the writ petitions are elected Presidents of different Panchayats. In all the cases, there was no prior notice giving any opportunity to the writ petitioners. Therefore, the impugned orders are in violation of principles of natural justice and hence, they are liable to be quashed.

(27) It is also to be noted that the allegations against the writ petitioners do not warrant invocation of emergency power of Collector under Section 203 of the Act to suspend even temporarily the cheque signing authority of the President. The respondents in their counter affidavit has failed to satisfy the statutory requirement in tune with Rule 3 of the Rules 2001 before exercising the power under Section 203 of the Act.

4. In the light of the law declared by the Division Bench, we are unable to fault the Writ Court for having allowed the Writ Petition. This Writ Appeal therefore, fails and it is accordingly, **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (C.K., J.)
03.12.2024

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Internet: Yes
Index: No
Speaking order
Neutral Citation : No

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