



WEB COPY



W.P.No.35033 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

**Writ Petition No.35033 of 2022
and WMP Nos.34477 of 2022**

R.Savitri
Aged about 48 years
Wife of C.Rajan
President of Billichchi Panchayat (no.3)
Periyanayakkanpalayam Panchayat Union
Coimbatore 641019.

.... petitioner

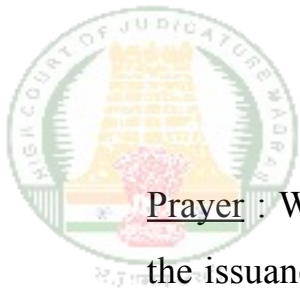
-Vs-

1.The Director/Commissioner of Rural Development
Panagal Building
15, Jeenis Road, Saidapet
Chennai-15.

2.The District Collector/Inspector of Panchayat
Coimbatore District
Coimbatore.

3.The Block Development Officer
Periyanaickenpalayam Panchayat Union
Periyanaickenpalayam, SRKU Post
Coimbatore 641 020.

... Respondents



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Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records on the file of the 2nd respondent in connection with the proceedings in Na.Ka. No. 685/2022/A3 dated 03.10.2022 (Impugned Order-I) and Na.Ka. No. 2965/2022/A3 dated 28.11.2022(Impugned Order-II) and quash the same as illegal.

For Petitioner : Mr.I.Saddam Hussain

For Respondents : Mr.N.Naveen Kumar
Government Advocate

ORDER

The Writ Petition has been filed in the nature of a Certiorari seeking records of the 2nd respondent, District Collector/Inspector of Panchayat in Coimbatore District in proceedings dated 03.10.2022 and further proceedings dated 28.11.2022 and quash both the said proceedings.

2.In the affidavit filed in support of the writ petition, it had been stated that the petitioners, President of Billichchi Panchayat had been issued with a show cause notice on 18.04.2022. She had given an explanation on 28.04.2022. Thereafter, an FIR in Crime No.12 of 2022, dated 07.10.2022 had also been registered against the petitioner and her husband by the Inspector of Police, Vigilance & Anti Corruption, Coimbatore, under Sections 7(a), 7(a) r/w



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Section 12 of the Prevention of Corruption Act, 1988. She had also been remanded to judicial custody from 07.10.2022 till 22.10.2022. The 1st respondent appears to have invoked Section 203 of Tamil Nadu Panchayats Act, 1984 [hereinafter referred as 'the Act'] and passed an order dated 03.10.2022 withdrawing the cheque signing power of the petitioner and handed it over to the 3rd respondent/Block Development Officer. It had been stated that the power was divested pending proceedings under Section 205 of the Act. Thereafter, the second impugned order had been passed on 28.11.2022. It is contending that the cheque signing power cannot be withdrawn under Section 203 of the Act, the writ petition has been filed.

3.A Counter affidavit had been filed by the 2nd respondent/District Collector/Inspector of Panchayat, Coimbatore District, stating that a show cause notice had been issued to the petitioner under Section 205 of the Act. She had also issued an explanation but however, owing to various contingencies which arose, the authority under Section 203 of the Act was invoked and the cheque signing power was withdrawn and handed over to the Block Development Officer, Periyanaickenpalayam. It had been contended that the petitioner is also an accused in FIR in Crime No.12 of 2022, registered on 07.10.2022 by the



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Vigilance & Anti Corruption Police, Coimbatore for demanding bribe by her and also by her husband for approving building plan.

4. Heard both sides.

5. The issue is no longer *res integra*. The same issue is came up before the learned Single Judge of this Court in **Logeswari vs. The District Collector, Tiruchirapalli and Others (W.P.(MD)No.139 of 2013 decided on 04.4.2013)** in which the issue before the learned Single Judge was answered that the cheque signing power cannot be withdrawn invoking Section 203 of the Act. It was held that the cheque signing power cannot be withdrawn under Section 203 of the Act. But however, in this case it is seen that the petitioner is an accused in a criminal case registered against her and also her husband for demand of bribe. Therefore, till the petitioner stands acquitted in that particular case, the cheque signing power cannot be handed over to her owing to such peculiar circumstances. The respondent is at liberty to proceed further with enquiry under Section 205 of the Act and pass appropriate orders. The burden is on the petitioner to ensure that she is acquitted in the criminal case. The criminal case had been registered on the ground that she had demanded bribe for approving planning permit. Her husband is also a co-accused.



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6. Therefore, even though under Section 203 the cheque signing power cannot be withdrawn permanently, still, the said provision grants authority to the District Collector to act in emergency situations and the petitioner being an accused is certainly in an emergency situation, I would issue a direction to the 2nd respondent to proceed further with an enquiry under Section 205 of the Act, 1984 and retain withdrawal of the said signing power till the petitioner stands acquitted of the criminal case. The impugned orders are not set aside.

7. The Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

NCS : Yes/No

KP

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C.V.KARTHIKEYAN.,J
KP

To

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