



WEB COPY



W.P. No. 34671 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 34671 of 2023

and

W.M.P. No. 34626 of 2023

P.Senthil Kumar

... Petitioner

-VS-

1. The District Collector
Kallakurichi District Collectorate
Kallakurichi District.
2. The Block Development Officer
Tirukkoyilur Panchayat Union Council
Kallakurichi District.
3. The Deputy Block Development Officer
Tirukkoyilur Panchayat Union Council
Kallakurichi District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the First Respondent in Na. Ka. No. A2/1897/2023 dated 27.10.2023, quash the same and consequently forbear the Second Respondent and its agents neither to interfere in any manner in the cheque signing powers and other duties of a President nor restrain the Petitioner from performing the same for the welfare of the people in the panchayat.

For Petitioner : Mr. C.Vigneswaran

For Respondents : Mr. B.Vijay,
Additional Government Pleader (for R1 & R3)

Mr. S.Prabhakaran (for R2)



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ORDER

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Heard Mr. C.Vigneswaran, Learned Counsel for the Petitioner, Mr. B.Vijay, Learned Additional Government Pleader appearing for the First and Third Respondents and Mr. S.Prabhakaran, Learned Counsel appearing for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner was elected as President of Konnakalvadi Village Panchayat in Thirukovilur Panchyat Union of Kallakurichi District and Proceedings for his removal from that office has been taken under Section 205 of the Tamil Nadu Panchayats Act, 1994 (hereinafter referred to as 'the Act' for short) and pending finalization of those proceedings, the First Respondent had issued show cause notice dated 26.07.2023 to the Petitioner calling for his explanation as to why the powers conferred on him to sign the cheques of the Village Panchayat should not be withdrawn in the exercise of powers under Section 203 of the Act. The First Respondent, who has not accepted the explanation of the Petitioner, has by Proceedings in Na.Ka. No. A2/1897/2023 dated 27.10.2023 withdrawn the powers of the Petitioner to sign the cheques of the Village Panchayat as its President and the Second Respondent has been



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granted the said powers for the time being, which is challenged in this Writ Petition.

3. Having regard to the fact that the impugned order has been passed on account of the pendency of the proceedings for removal of the Petitioner from the post of President of the Village Panchayat and it would be obviously subject to its ultimate outcome, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition without prejudice to the rights of the Petitioner to challenge the indefinite continuance of the impugned order, if necessary. He has also made an endorsement to that effect in the court record.

In fine, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. Consequently, the connected Miscellaneous Petition is closed.
No costs.

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Index: Yes/No
NCC: Yes/No

Note: Issue order copy by 31.05.2024.

Maya



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To

1. The District Collector
Kallakurichi District Collectorate
Kallakurichi District.
2. The Block Development Officer
Tirukkoyilur Panchayat Union Council
Kallakurichi District.
3. The Deputy Block Development Officer
Tirukkoyilur Panchayat Union Council
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P.D. AUDIKESAVALU, J.

Maya

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