



W.P. No. 177 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

CORAM

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

W.P. No. 177 of 2024

and

W.M.P. Nos. 190 and 191 of 2024

Mathapur Panchayat
Represented by its President S.Ashok Kumar,
Mathapur Panchayat,
Pongalur,
Tirupur District.

... Petitioner

-VS-

1. The State of Tamil Nadu,
Represented by its Principal Secretary to the Government,
Rural Development and Panchayat Raj Department,
Fort St. George,
Chennai – 600009.
2. The Director of Rural Development and Panchayat Raj,
Panagal Maligai,
Chennai.
3. The District Collector / Inspector of Panchayat,
Tirupur District,
Tirupur.
4. The Block Development Officer (Village Panchayat),
O/o Block Development Office (Village Panchayat),
Pongalur,
Tirupur District.

... Respondents



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records pertaining to the impugned proceedings of the Third Respondent vide his proceedings in Na. Ka. No. 4404/2023/A1 dated 06.11.2023 and quash the same as illegal.

For Petitioner : Mr. V.Vishnu Chelliya

For Respondents : Mr. B.Vijay
Additional Government Pleader
(for R1 to R3)
Ms. Geetha Thamaraiselvan (for R4)

ORDER

Heard Mr. V.Vishnu Chelliya, Learned Counsel for the Petitioner, Mr. B.Vijay, Learned Additional Government Pleader appearing for the First to Third Respondents and Ms. Geetha Thamaraiselvan, Learned Counsel for the Fourth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, which is a Village Panchayat, had in its meeting held on 27.10.2023 passed a resolution recording that its members of Ward Nos. 2 and 9 had stood disqualified as per Section 38(i), (g) and (h) of the Tamil Nadu Panchayat Act, 1994, for ceasing to reside in the Village and failing to pay



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arrears of any kind due to the Panchayat within three months, which has been set aside by the Third Respondent by Proceedings in Na. Ka. No. 4404/2023/A1 dated 06.11.2023 that is challenged in this Writ Petition.

3. Since that the said members of the Village Panchayat of the Petitioner whose disqualification has been set aside by the Third Respondent in the impugned order have not been made as parties to the Writ Petition, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petitioner with liberty to file fresh Writ Petition impleading them as parties and he has made an endorsement to that effect in the court record.

In fine, the Writ Petition is dismissed as withdrawn granting such liberty. Consequently, the connected Miscellaneous Petitions are closed. No costs.

19.01.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 27.03.2024.

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- To
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P.D. AUDIKESAVALU, J.

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