



W.P(MD)No.1894 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1894 of 2024
and
W.M.P(MD)Nos.1906 & 1911 of 2024

Malarkodi Srinivasan

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Thanjavur District.

2.The Block Development Officer,
Village Panchayat,
Kumbakonam Panchayat Union,
Kumbakonam,
Thanjavur District.

3.Sivabalan
***(R.3 is suo motu impleaded vide
order of this Court dated 21.02.2024)***

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorari, to call for the records



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pertaining to the impugned order issued by the first respondent in Na.Ka.No. 2617/2022/A3 dated 13.12.2023 and quash the same as illegal and unconstitutional.

For Petitioner : Mr.B.Jameelarasu

For Respondents : Mr.D.Sasikumar
Additional Government Pleader for R.1

Mr.M.Sarangan
Additional Government Pleader for R.2

ORDER

Heard both sides.

2.By the impugned order, the petitioner's cheque signing power had been taken away. In fact, the entire power has been conferred on the second respondent. The first respondent was constrained to issue such proceedings because the writ petitioner and the third respondent (Vice President) were not seeing eye to eye.

3.The learned counsel appearing for the petitioner would state that number of developmental activities had taken place but the contractors have not been paid so far for the works done.



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4.It is stated that Vice President is questioning the correctness of the accounts submitted by the petitioner. It is also the stand of the official respondents that the entire Panchayat works have come to a stand still.

5.The first respondent cannot be faulted for having issued the impugned order. At the same time, the grievance expressed by the petitioner cannot be brushed aside.

6.The first respondent is directed to cause the Assistant Director (Panchayats) to conduct an enquiry. The petitioner will be heard. The object of the enquiry is to find out if the works claim to have been done by the petitioner have actually been performed. If the petitioner's statement is true and they are sanctioned works, the second respondent will see to it that the bills are settled. The authorities will not avoid determining this issue merely because the third respondent is raising objections. Only because the petitioner and the third respondent could not get along, the impugned order that has been passed. Therefore, the stand of the petitioner as well as the third respondent are no longer



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relevant. Enquiry to be conducted by the Assistant Director (Panchayats) will independently see if the works had actually been completed. This exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

7.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

02.04.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

- 1.The District Collector,
Office of the District Collector,
Thanjavur District.
- 2.The Block Development Officer,
Village Panchayat,
Kumbakonam Panchayat Union,
Kumbakonam,
Thanjavur District.



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G.R.SWAMINATHAN, J.

MGA

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