



W.P(MD)No.4685 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4685 of 2024
and
W.M.P(MD)No.4516 of 2024

R.Revathi

... Petitioner

Vs.

- 1.The District Collector /
Inspector of Panchayat,
Sivagangai District,
Sivagangai.
- 2.The Project Director /
Joint Director,
Sivagangai District,
Sivagangai.
- 3.The Assistant Director (Accounts),
Sivagangai,
Sivagangai District.
- 4.The Block Development Officer
(Village Panchayat),
Thiruppuvanam Panchayat Union,
Sivagangai District.



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5.Mohamed Sheriff

... Respondents

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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 pertaining to the impugned proceedings in Na.Ka.A7/1095/2022 dated 20.02.2024 under Section 203 of Tamil Nadu Panchayat Act, 1994 on the file of the first respondent, insofar as removing the petitioner's cheques and PFMS (Public Financial Management System) Forms signing power as Panchayat President (Incharge)/Executive Officer of Kalugerkadai Panchayat, Thiruppuvanam Panchayat Union, Sivagangai District.

For Petitioner : Mr.B.Prasanna Vinoth

For Respondents : Mr.M.Lingadurai
Special Government Pleader
for R.1 to R.3

Mr.D.Gandhi Raj
Special Government Pleader for R.4

Mr.R.Udhayakumar for R.5

ORDER

Heard both sides.

2.The petitioner was elected as ward member of Kalugerkadai Panchayat. She was subsequently elected as a Panchayat Vice President.



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The President of the Panchayat is said to have passed away and the petitioner is officiating as the Panchayat President also. Her cheque signing power has withdrawn vide order dated 20.02.2024 passed by the District Collector, Sivagangai. Challenging the same, the present writ petition came to be filed.

3.The learned Special Government Pleader appearing for the respondents and the learned counsel appearing for the fifth respondent point out that the petitioner is said to have committed misappropriation of MGNREGS funds twice. The learned Special Government Pleader also draws my attention to the notice dated 30.02.2023 issued by the District Collector, Sivagangai.

4.But the question that arises for consideration is whether the Inspector of Panchayats issued a specific notice to the petitioner proposing withdrawal of the cheque signing power. The Hon'ble Division Bench reported in **2005 (1) CTC 545 (Pugazhendran V. B.G.Balu)** had held as follows:



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“27. We would however point out that before granting prior approval it would be the duty of the Inspector of Panchayats(District Collector) to give a hearing to the VicePresident or (President, as the case may be) (which need not be a personal hearing as already mentioned above), and apply his mind and decide by a written order giving reasons as to whether in his opinion, the VicePresident (or President, as the case may be) is refusing to sign the cheque for ulterior motive, or for genuine reasons in the interest of the village panchayat. It will be the duty of the Inspector of Panchayats, to decide this matter objectively and impartially without being influenced by any extraneous pressures of considerations. If the refusal to sign the cheque is for good and genuine reasons in the interest of the Village Panchayat, the Inspector should refuse approval, but if it is for extraneous considerations or is mala fide he should grant it.”

In this case, a specific notice regarding withdrawal of cheque signing power was not issued. It is for this reason, I hold that the procedure laid down in Pugazhendran's case was not followed.



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5.In this view of the matter, the impugned order is set aside. It is open to the first petitioner to issue proper notice and pass an order afresh on merits and in accordance with law. With this liberty to the first respondent, the impugned order is set aside. The writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

29.02.2024

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

To

- 1.The District Collector /
Inspector of Panchayat,
Sivagangai District, Sivagangai.
- 2.The Project Director /
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- 3.The Assistant Director (Accounts),
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G.R.SWAMINATHAN, J.

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