



W.P(MD)No.5834 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5834 of 2024

and

W.M.P.(MD)No.5509 of 2024

1.Revathi

2.P.Ramachandran

3.R.Packiam

4.M.Ibramali

... Petitioners

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Assistant Director of Panchayat,
Sivagangai,
Sivagangai District.

3.The Block Development Officer,
Thiruppuvanam Union (Village Panchayat)
Sivagangai District.

4.The Tahsildar,
Thiruppuvanam Taluk,
Sivagangai District.

... 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 his proceedings Na.Ka.No.A5/461/2024 dated 05.03.2024 quash the same within the time that may be stipulated by this Court.

For Petitioners : Mr.K.Maheshraja

For Respondents : Mr.D.Gandhiraj
Special Government Pleader for R1, R2 &R4

: Mr.J.K.Jayaseelan
Government Advocate for R3

ORDER

Heard both sides.

2. The petitioners challenged the impugned notice issued under Section 205(4) r/w 206 of the Tamil Nadu Panchayats Act, 1994. The proposal is for removing the vice president of the local body. It is challenged primarily on the ground that the mandatory seven days notice has not been given. It is beyond dispute that the notice was issued on 05.03.2024. It was received by the members on 06.03.2024. On 07.03.2024, meeting was conducted. The village panchayat comprises 9 members.

3. The learned Special Government Pleader would state that when voting was conducted, 5 persons were in support of the motion for removal. But then,



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that would not render the writ petition infructuous. The Inspector of Panchayats has to take a final call. At this stage itself, the petitioners have moved this Court.

4. Since illegality is apparent, I am constrained to interfere. It is well settled that when law prescribes a certain procedure, it must be adhered to in letter and spirit. This Court cannot turn a blind eye to the bye-passing of the statutory procedure. Failure to give seven days' notice vitiates the process. Since breach of the statutory procedure is apparent, the impugned notice is set aside. It is open to the authorities to follow the procedure as laid down in Sections 205 r/w 206 of the Tamil Nadu Panchayats Act, 994.

5. With this liberty to the respondents, the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No

Internet : Yes/ No

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To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Assistant Director of Panchayat,
Sivagangai,
Sivagangai District.



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