



W.P(MD)No.12442 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12442 of 2024

and

W.M.P(MD)Nos.11067 & 11069 of 2024

S.Radha

... Petitioner

Vs.

1.The Secretary to Government,
Rural Development and
Panchayat Raj Department,
Chennai.

2.The District Collector /
Inspector of Panchayat,
Pudukottai District,
Pudukottai.

3.The Assistant Director of Panchayat,
Pudukottai,
Pudukottai District.

4.The Block Development Officer,
Viralimalai Panchayat Union,
Viralimalai,
Pudukottai District.

5.The Tahsildar,
Viralimalai, Pudukottai District.

6.Chinna Thankam

... Respondents



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Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the order passed by the third respondent in Na.Ka.No.A3/112/2021(Voo) dated 06.06.2024 and quash the same.

For Petitioner : Mr.T.S.Mohamed Mohideen

For Respondents : Mr.P.Thambi Durai
Government Advocate
for R.1 to R.3 & R.5

Mr.C.Baskaran
Government Advocate for R.4

ORDER

Heard both sides.

2.In normal circumstances, this Court will not interfere with an interdepartmental communication. In this case, the third respondent has written to the fifth respondent calling upon him to convene the meeting of the local body for considering the proposal to remove the petitioner from the post of Panchayat President. Section 205 of the Tamil Nadu Panchayats Act, 1994 is clear to the effect that the proceedings can be initiated only by the Inspector of Panchayats / District Collector.



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3.Of course, the Assistant Director of Panchayats can be called upon to conduct enquiry and submit report. The inputs given by the Assistant Director of Panchayats can be taken into account by the District Collector. But then, the Assistant Director of Panchayats cannot give any independent direction to the jurisdictional Tahsildar to convene the local body meeting. The issue is no longer *res integra*. When an Assistant Director of Panchayats issued a similar communication to the jurisdictional Tahsildar for convening the meeting for removing the Panchayat President, this Court set aside the same. The learned counsel appearing for the petitioner relied on decision reported in ***(2023) 1 Writ LR 668 (D.Poornima Rangarajan Vs The District Collector / Inspector of Panchayats & Others)***.

4.In this view of the matter, the impugned communication is set aside. It is always open to the second respondent to take appropriate action in accordance with law. I have interfered in the matter only on the ground of lack of jurisdiction.



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5.This writ petition is allowed accordingly. There shall be no order

as to costs. Consequently, connected miscellaneous petitions are closed.

13.06.2024

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

To

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- 3.The Assistant Director of Panchayat,
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G.R.SWAMINATHAN,J.

MGA

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