



W.P(MD)No.14183 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14183 of 2024

and

W.M.P.(MD)No.12422 of 2024

T.Murugavalli

... Petitioner

Vs.

1.The District Collector Cum Inspector of Panchayat,
Sivagangai, Sivagangai District.

2.The Block Development Officer (Village Panchayats),
Manamadurai Panchayat Union, Sivagangai District.

3.The Zonal Block Development,
Officer, Zonal Office - V,
Manamadurai Panchayat Union,
Sivagangai District.

4.M. Shanmugam

... Respondents

*(R4 is suo motu impleaded vide order dated
01.07.2024 in W.P.(MD)No.14183 of 2024 by GRSJ)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorari, calling for the records relating
to the order passed by the 1st respondent in his proceedings
Na.Ka.A2/1636/2023 dated 13.06.2024 and quash the same as illegal.



W.P(MD)No.14183 of 2024

For Petitioner : Mr.Ajmalkhan, Senior Counsel,
For M/s.Ajmal Associates.

For Respondents : Mr.Veerakathiravan,
Addl. Advocate General,
Assisted by Mr.P.Thambidurai,
Government Advocate for R1 to R3.

ORDER

Heard the learned senior counsel for the writ petitioner and the learned Additional Advocate General assisted by the learned Government Advocate for the official respondents.

2.The petitioner's cheque signing power has been taken away by the impugned order dated 13.06.2024 by the Inspector of Panchayats. I indicated to the learned senior counsel for the petitioner that I have vide order dated 20.06.2024 made in W.P.(MD)No.11964 of 2023 referred the issue of taking away the cheque power of panchayat presidents to Hon'ble Larger Bench since I had noticed a clear cleavage of opinion between two judgments rendered by different Hon'ble Single Judge Benches. I entertained a doubt if I can still grant an interim order even while making reference. The learned senior counsel brought to my notice the judgment dated 09.09.2020 rendered in Civil Appeal No.3123 of 2020 in which it has been stated that even while making reference,



W.P(MD)No.14183 of 2024

the referring Court is not disabled from passing interim orders. I am satisfied by the submission of the learned senior counsel that I can grant an interim order. But the moot question that arises is whether reference has to be made at all in this case.

3.The issue is not taking away one's cheque signing power. The real issue is whether the principles of natural justice were complied with. The Inspector of Panchayats had not issued any notice to the writ petitioner before passing the impugned order. On this sole ground, I set aside the impugned order. I have not remitted the matter to the file of the first respondent to pass an order afresh. I only grant liberty to the first respondent to take action as per law. All the contentions of the petitioner are left open. This clarification is required because it is very well open to the petitioner herein to contend that having initiated proceedings under Section 205 of the Tamil Nadu Panchayat Act, 1994 it is not open to the Inspector of Panchayats to drop the same and change horse mid-stream and resort to taking away the cheque-signing power. Such a contention deserves to be examined on merits. Not only this, all the other contentions of the petitioner are left open. Since the impugned order has been set aside, it is needless to say that status quo ante shall stand restored.



W.P(MD)No.14183 of 2024

WEB COPY

4.The writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

08.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:-

- 1.The District Collector Cum Inspector of Panchayat,
Sivagangai, Sivagangai District.
- 2.The Block Development Officer (Village Panchayats),
Manamadurai Panchayat Union, Sivagangai District.
- 3.The Zonal Block Development,
Officer, Zonal Office - V,
Manamadurai Panchayat Union,
Sivagangai District.



WEB COPY



W.P(MD)No.14183 of 2024



WEB COPY



W.P(MD)No.14183 of 2024

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.14183 of 2024

08.07.2024