



W.P(MD)No.17719 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.17719 of 2021

and

W.M.P(MD)Nos.14613, 14614 and 14617 of 2021

R.Maheshwari

: Petitioner

Vs.

1. The District Collector cum Inspector of Panchayat,
Virudhunagar District,
Virudhunagar.
- 2.The Assistant Director (Panchayats),
Virudhunagar District,
Virudhunagar.
- 3.The Block Development Officer (Village Panchayats)
Kariyapatti Panchayat Union,
Kariyapatti, Virudhunagar District.
- 4.The Tahsildhar,
Kariyapatti Taluk,
Virudhunagar District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of certiorarified Mandamus, to call for the



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records of the impugned order in Na.Ka.A1/3825/2021 on the file of the fourth respondent, dated 17.09.2021 and quash the same as illegal and consequently, forbearing the first respondent from proceeding with 205 enquiry proceedings without complying with directions passed by this Court in W.P.(MD)No.15733 of 2021, dated 03.09.2021 within the time frame stipulated by this Court.

For Petitioner : Mr.Mahaboob Fazil,
for M/s.Lajapathiroy Associates.

For Respondents : Mr.M.Prakash,
Additional Government Pleader.

ORDER

This Writ Petition is directed against the notice, dated 17.09.2021, issued by the fourth respondent.

2. The petitioner has earlier filed a writ petition in W.P.(MD)No.15733 of 2021, challenging the order passed by the fourth respondent, dated 24.08.2021 and also forbearing the first respondent/District Collector from proceeding with enquiry initiated under Section 205 of Tamil Nadu Panchayats Act without providing documents requested by the petitioner within the time frame stipulated by this Court and this Court vide order, dated 03.09.2021, has directed the first respondent/District Collector to provide the documents requested by the



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petitioner under letter, dated 10.08.2021 within one week from the date of receipt of copy of that order and the petitioner was permitted to submit his further explanation within one week of the receipt of the aforesaid documents and further directed that the Panchayat Meeting shall be convened not less than days after the receipt of the further explanation from the petitioner.

3. The learned counsel for the petitioner would submit that the first respondent has not provided the documents sought for by the petitioner and as directed by this Court; that the first respondent has not complied with the orders of this Court, but the fourth respondent has issued a notice for the Panchayat Meeting scheduled on 01.10.2021 and hence, the petitioner was constrained to move this Court challenging the said notice issued by the fourth respondent.

4. When the matter is taken up for hearing today, the learned Additional Government Pleader appearing for the respondents would admit that the first respondent has not complied with the directions of this Court. He would further submit that in pursuance of the stay order granted by this Court, no further action was taken. But in the interim order, this Court has only directed the first respondent to comply with the earlier directions of this Court. This Court is at



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loss to understand as to why, the first respondent has not complied with the directions of this Court earlier and even after filing of the present writ petition.

The learned Additional Government Pleader has not given any reason or explanation for not complying with the order of this Court. However, the learned counsel for the petitioner would submit that the impugned notice may be set aside and the first respondent may be directed to comply with the earlier order of this Court.

5. Considering the facts and circumstances of the case and taking note of the submission made by the learned counsel on either side, the impugned notice, dated 17.09.2021 issued by the fourth respondent, without complying with the earlier directions of this Court, cannot legally be sustained and as such the same is liable to be quashed.

6. In the result, the Writ Petition is allowed and the impugned notice, dated 17.09.2021 issued by the fourth respondent is quashed. The first respondent is directed to provide copies of the documents sought for by the petitioner within a period of one week from today. (i.e., on 10.06.2024) and on receipt of the same, the petitioner is permitted to submit his explanation within



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one week thereafter and that the Panchayat Meeting may be convened not less than 7 days after the receipt of further explanation. Consequently, connected Miscellaneous Petitions are closed. No costs.

10.06.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
das

Note : Issue order copy on **11.06.2024**.

To

1. The District Collector cum Inspector of Panchayat,
Virudhunagar District,
Virudhunagar.
- 2.The Assistant Director (Panchayats),
Virudhunagar District,
Virudhunagar.
- 3.The Block Development Officer (Village Panchayats)
Kariyapatti Panchayat Union,
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- 4.The Tahsildhar,
Kariyapatti Taluk,
Virudhunagar District.



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K.MURALI SHANKAR, J

DAS

Order made in

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and

W.M.P(MD)Nos.14613, 14614 and 14617 of 2021

Dated : 10.06.2024