



W.A(MD)No.1390 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2024

CORAM:

**THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN
and
THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN**

W.A(MD)No.1390 of 2017

P.Kumaresan

...Appellant

Vs.

- 1.The District Collector,
Collectorate Compound,
Tirunelveli District.
- 2.The Revenue Divisional Officer,
Tirunelveli.
- 3.The Block Development Officer,
Palayamkottai,
Tirunelveli District.

...Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, against the order passed by this Court in W.P.(MD).No.19084 of 2016, dated 31.07.2017.



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For appellant : Mr.J.Barathan
For R1 to R3 : Mr.A.K.Manikkam
Special Government Pleader

J U D G M E N T

(Order of the Court was made by V.BHAVANI SUBBAROYAN,J.)

The petitioner has filed this writ appeal against the order of the learned single Judge passed in W.P.(MD).No.19084 of 2016, dated 31.07.2017.

2. The appellant is the petitioner in the above writ petition. The writ petition has been filed challenging the impugned proceedings issued by the first respondent in No.A6/1814/2016, dated 19.09.2016, by which the petitioner has been removed from the post of President of Seevalaperi Panchayat and to quash the same and consequently direct the respondents to allow the petitioner to serve as President to the said Panchayat. The learned single Judge of this Court dismissed the writ petition on 31.07.2017. Challenging the same, the petitioner has filed the present writ appeal.



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3. According to the appellant, there is no misappropriation or malpractice in the administration of the petitioner as President in the said Panchayat. Further, all the members of the Panchayat have given a written representation expressing their confidence on the petitioner to continue as a President of the Panchayat on 30.08.2016. However, the first respondent has given a reasoning in the impugned order dated 19.09.2016 as if the Tahsildar informed that the members were in disagreement with the petitioner. The learned single Judge of this Court failed to consider the fact that the first respondent has passed the impugned order straight away on the basis of the report given by the Tahsildar. As per the Rules, the first respondent, after receipt of the report from the Tahsildar, ought to have issued a show cause notice to the petitioner calling for explanation from him. Hence, the order impugned in the writ appeal is liable to be set aside.

4. Heard the learned counsel for the appellant and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.



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5. On going through the typed set of papers, it is seen that many charges were framed against the writ petitioner and the show cause notice was issued against him on 27.05.2016. The petitioner has given his explanation on 23.06.2016. Again, he has given another explanation on 09.09.2016. Thereafter, the first respondent has passed the impugned order on 19.09.2016, removing the petitioner from the post of President. On perusal of the impugned order, it is seen that a meeting was conducted on 30.08.2016 and a report was submitted by the Tahsildar. As per the report, on 30.08.2016, including the President and the Vice President nine members had participated in the meeting and they all agreed that the said charges are true. It is also seen that the petitioner was sent to jail under Mines and Minerals Act. Since the explanation given by the petitioner was not satisfactory, the first respondent removed the petitioner from the post of President by invoking Section 205(11) of the Tamil Nadu Panchayats Act, 1994 and the first respondent has stated that if the petitioner has any grievance, he has to file an appeal before the appellate authority under Section 205(12) of the Tamil Nadu Panchayats Act, 1994. But the petitioner has approached this Court by way of filing the writ petition and the learned single Judge of this Court stated that the



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matter has become infructuous and dismissed the same. It is seen that the petitioner has been removed from the post of President in the year 2016 and without exhausting the appeal remedy available to him, the petitioner has approached this Court by way of filing the writ petition. Therefore, we find no merit in the writ appeal.

6. In the result, this Writ Appeal is dismissed. No costs.

[V.B.S.,J.] [K.K.R.K.,J.]
11.03.2024

akv

To

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