



WEB COPY

W.P.(MD) No.25255 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.25255 of 2024

and

W.M.P.(MD)Nos.21454 & 21456 of 2024

Robinson

...Petitioner

-VS-

1.The District Collector/Inspector of Panchayat,
Thoothukudi District, Thoothukudi.

2.The Block Development Officer,
Sathankulam, Thoothukudi District.

3.Thirukalayani
4.P.Arul Saviour

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, calling for the records relating to the impugned meeting notice (Agenda) issued by the 3rd respondent in his proceedings Nil, dated Nil and quash the same as illegal and consequently directing 1st respondent to take appropriate action on the 3rd respondent who is facing criminal case in C.C.No. 276/2023 on the file of the Learned Judicial Magistrate, Sathankulam for misappropriation in Panchayat funds under 203 or under own motion under 205 of Tamilnadu Panchayat Act, 1994.

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For Petitioner : Mr.T.A.Ebenezer
For R1 : Mr.D.Gandhiraj
Special Government Pleader

ORDER

This writ petition has been filed challenging the agenda issued by the 3rd respondent in his proceedings Nil, dated Nil and to consequently direct the first respondent to take appropriate action on the 3rd respondent for misappropriation in Panchayat funds.

2.Mr.D.Gandhiraj, learned Special Government Pleader, takes notice for the first respondent.

3.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4.The grievance of the petitioner is that the petitioner is the Village Vice President of the Sasthavinallur Village. Earlier, based on the resolution passed by the third respondent, the first respondent had taken away the cheque signing powers of the petitioner. The petitioner challenged the same, before this Court in W.P.(MD)No.19087 of 2023,



which was allowed on the ground of non-issuance of notice to the petitioner and violation of principles of natural justice. The matter was remitted back to the first respondent for fresh consideration on merits and in accordance with law. Now, the agenda has been placed in the Panchayat Office for passing a resolution to remove the petitioner from the post of Vice President. Challenging the same, the petitioner has filed this writ petition.

5. At the outset, this Court is of the view that only agenda has been prepared and the same cannot be the subject matter of a writ petition. In the earlier round of litigation, this Court directed the first respondent to consider the matter afresh and pass necessary orders in accordance with law. It is for the first respondent to pass orders under Section 203 of the Tamil Nadu Panchayats Act. If the first respondent passes any order on the basis of the ground reality, the same shall be put into challenge, if the petitioner is so advised. The writ petition merely challenging the agenda presented before the Panchayat Office is nothing but pre-matured and the same cannot be maintained.



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6. Accordingly, this writ petition is dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

23.10.2024

Index : Yes / No

Internet : Yes / No

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N.SATHISH KUMAR, J.

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