



W.P(MD)No.31339 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.31339 of 2023

and

W.M.P.(MD)No.26893 of 2023

Jayanthi

... Petitioner

Vs.

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

2.The Assistant Director of Panchayats (V.P)
Collectorate Campus,
Virudhunagar.

3.The Block Development Officer (V.P)
Virudhunagar Panchayat Union,
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 records of impugned order of 1st respondent u/s 203 of Tamil Nadu Panchayat Act, 1994 vide proceedings Na.Ka.No.Vu.E.1/10/2021 dated 22.12.2023 and quash the same as illegal, improper and unconstitutional, consequently direct the 1st respondent to forthwith allow the petitioner to sign all cheques of Kaaniseri Pudur Village Panchayat as President.



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For Petitioner : Mr.G.Prabhu Rajadurai
for Mr.VB.Sundhareshwar

For Respondents : Mr.A.Kannan
Additional Government Pleader for R1 to R3

ORDER

Heard both sides.

2. The petitioner was elected as president of the Kanniseri Pudur Village Panchayat. Vide proceedings dated 22.12.2023, her cheque signing powers have been taken away by the Inspector of Panchayats. The only argument putforth before this Court is that before passing the impugned order, the procedure laid down by the Hon'ble Division Bench in *Pugazhendran's case(2005 (1) CTC 545)* was not followed. I posed a specific question to the learned Additional Government Pleader as to whether proper notice proposing withdrawal of the cheque signing power was issued to the petitioner. It is seen that action was proposed to be taken under Section 205 of the Tamil Nadu Panchayats Act, 1994 and that notice was issued only in that regard. Eventually, further steps were not taken and the petitioner was not removed from her post. Instead, the impugned order came to be passed.



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3. I cannot endorse the approach adopted by the Inspector of Panchayats before withdrawing the cheque signing power. Notice should be issued in that regard. Such notice was not issued. On this ground, the impugned order is set aside. The Writ Petition is allowed. Liberty is given to the Inspector of Panchayats to follow the procedure laid down in ***Pugazhendran's case***. The contentions of the petitioner are left open.

4. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

20.02.2024

Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.

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