



W.P.No.2171 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.2171 of 2025

and

W.M.P.No.2530 of 2025

Bhuvaneshwari Shakthivel

...Petitioner

-Vs-

1.The District Collector,
Kanchipuram,
Kanchipuram District.

2.The Assistant Director of Village Panchayat,
Kanchipuram,
Kanchipuram District.

3.The Block Development Officer (Village Panchayat),
Sriperumpudur Panchayat Union, Sriperumbudur.

4.The President, Mevalurkuppam Panchaat,
Valapuram Post, Sriperumpudur Taluk.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorari, calling for records relating to the 1st respondent proceedings in Na.Ka.No.1648/2024/A6 U.E.(UU) dated 28.12.2024 and quash the same and pass such further orders.



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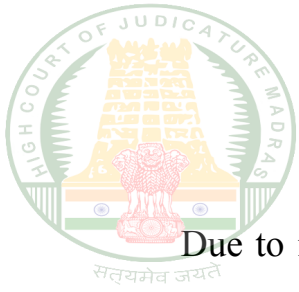
For Petitioner : Mr.K.Sakthivel
For R1 to R4 : Mr.N.Naveen Kumar
Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Certiorari, calling for records relating to the 1st respondent proceedings in Na.Ka.No.1648/2024/A6 U.E.(UU) dated 28.12.2024.

2. The case of the petitioner is that she is duly elected as a Vice President of Village Panchayat, Sripermbudur, Union, Kanchipuram District. The petitioner has been serving in the said post since the year 2021. In view of certain illegalities and irregularities in the functioning of the Village Panchayat, the petitioner requested to conduct a detailed enquiry and to disqualify those involved as per Section 205 of the Tamilnadu Panchayat Act.

3. In this regard, the petitioner was called to attend an enquiry on 08.08.2023 at about 03.00 pm by the 2nd Respondent. Pursuant to which, the petitioner appeared and made her written submissions along with documents.



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Due to inaction on behalf of the respondents, the petitioner preferred a writ petition in W.P.No.31625 of 2024 on the file of this Court and this Court by dated 25.10.2024, directed the 2nd respondent herein to consider and pass appropriate orders. However, it appears no orders were passed in this regard.

4. That being so, a Village Panchayat meeting was proposed on 23.10.2024 with an agenda to consider taking action against the petitioner along with other agenda items. Thereafter, the 3rd respondent sent a letter dated 23.10.2024 along with village panchayat resolutions to the 1st respondent District Collector and Ward members of 2nd, 3rd, 5th, 6th, 7th and 8th have also similarly sent individual letters to the 1st respondent to take action against the petitioner.

5. On coming to know the action initiated by the 3rd respondent, the petitioner sent a detailed letter dated 10.10.2024 to the 1st to 3rd respondents explaining how the Village Panchayat meeting was held and the non participation of the Panchayat members in the said meeting. Subsequently, the 3rd respondent sent a letter dated 30.10.2024 stating that the meeting of the Panchayat cannot be cancelled without considering the petitioner's



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objections in the conduct of the said meeting. Thereafter, the 1st respondent

District Collector under section 188(3) of the Tamilnadu Panchayats Act, 1994, has issued the impugned order in Na.Ka.No.1648/2024/A6 U.E.(UU) dated 28.12.2024, removing the petitioner from submitting OTP for TNPASS.

6. Learned counsel appearing for the petitioner would submit that the 1st respondent has issued the proceedings vide Na.Ka.No.1648/2024/A6 U.E.(UU) dated 28.12.2024 without giving notice to the petitioner, which is a violation of principles of natural justice. He further submitted that the impugned order cancelled the power to submit the OTP number. It is further submitted that the Power under section 188(3) of the Act is not absolute, and the 1st respondent ought to give an opportunity for explanation under Section 202(2) of the Tamilnadu Panchayats Act. The 1st respondent even under section 203 of the Panchayat Act, does not have absolute powers without providing an opportunity to the person concerned.

7. Learned Government Advocate appearing for the respondents admitted that no notice had been issued before the impugned proceedings



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issued by the 1st respondent dated 28.12.2024.

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8. Heard both sides and perused the materials available on record.

9. In view of the above facts and circumstances of the case, the order passed by the 1st respondent vide Na.Ka.No.1648/2024/A6 U.E.(UU) dated 28.12.2024 is hereby set aside, and the matter is remitted back to the 1st respondent, District Collector, Kanchipuram, for a fresh consideration to initiate fresh proceedings against the petitioner and pass appropriate orders on merits, in accordance with law.

In the result, **the writ petition stands disposed of with the above observations and direction.** No costs. Consequently, connected miscellaneous petition is closed.

25.02.2025

cda

Index : Yes/No

Speaking/Non Speaking order



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J.SATHYA NARAYANA PRASAD, J.

cda

To

- 1.The District Collector,
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Kanchipuram District.
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Kanchipuram District.
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