



W.P.No.13029 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2025

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CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.13029 of 2025
and W.M.P.No.14538 of 2025

1.A.Sampath

2.P.Krishnamurthy

... Petitioners

Vs.

1.The District Collector,
Ranipet District,
Ranipet.

2.The Assistant Director (Panchayats),
Ranipet District,
Ranipet.

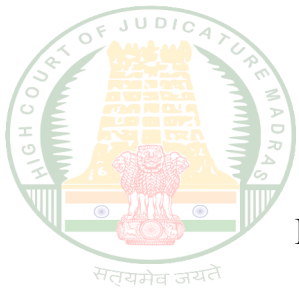
3.The Block Development Officer (VP),
Arakonam Panchayat Union,
Arakonam & Post,
Ranipet District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Ceriotarari calling for the records of the first respondent pertaining to the proceedings in Na.Ka.A6/1163/2025 dated 03.04.2025 and quash the same.

For Petitioners : Mr.S.Kamadevan

For Respondents 1 & 2 : M/s.P.Aishwarya,
Government Advocate



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For Respondent 3 : Mr.M.R.Gokula Krishnan
ORDER

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The petitioner has filed this petition to call for the records of the first respondent pertaining to the proceedings in Na.Ka.A6/1163/2025 dated 03.04.2025 and quash the same.

2. The case of the petitioners is that the petitioners were elected as the President and Vice-President of the Mosur Village Panchayat in Ranipet District. On 25.03.2025, the second respondent, through the third respondent, took possession of all Panchayat records from the Panchayat Secretary. Subsequently, on 03.04.2025, the first respondent passed impugned orders withdrawing the statutory cheque signing powers of the petitioners under Section 188(3) of the Tamil Nadu Panchayats Act and handed over the financial control to the third respondent and another official, without issuing any notice or seeking explanation from the petitioners. The orders were served on 05.04.2025, again without any prior intimation. The petitioners contend that the action amounts to an indirect removal from their elected posts and is in clear violation of principles of natural justice, particularly since no emergent situation justifying such action under Section 203 of the Act was



shown. Challenging the same, the petitioners have come forward with the present writ petition.

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3. Learned counsel for the petitioners submitted that the petitioners was not served with any show cause notice and without giving an opportunity of hearing, the first respondent, by the impugned order, cancelled the power of cheque signing powers. That apart, the first respondent had no jurisdiction to cancel the cheque issuing power to the Village President.

4. Heard the learned counsel on either side and perused the materials available on record.

5. The matter in this writ petition is no longer res-integra and the same is covered by the dictum laid down by this Court in W.P.No.27855 of 2022 dated 12.09.2024. The Division Bench of this Court while dealing with the same issue held as follows and the relevant paragraph Nos.26,27 and 28 are extracted hereunder:-

“26. Coming to the case on hand, the writ petitioners in all the writ petitions are elected Presidents of different panchayats. In all the cases, there was no prior notice giving any opportunity to the writ petitioners. Therefore, the impugned orders are in violation of principles of natural justice and hence,



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they are liable to be quashed.

27. It is also to be noted that the allegations against the writ petitioners do not warrant invocation of emergency power of Collector under Section 203 of the Act to suspend even temporarily the cheque signing authority of the President. The respondents in their counter affidavit has failed to satisfy the statutory requirement in tune with Rule 3 of the Rules, 2001 before exercising the power under Section 203 of the Act.

28. In the result, the writ petitions are allowed and the impugned orders dated 26.09.2022 are quashed. However, it is open to the respondents to initiate fresh proceedings if it is required in law after issuing show cause notice to the writ petitioners in the individual cases in compliance of principles of natural justice. It may be remembered that for invoking Section 203 of the Act by the respondents, there must be in a situation that warrants invocation of emergency, power No costs. Consequently, connected miscellaneous petitions are closed”.

6. In view of the ratio laid down by this Court in W.P.No.27855 of 2022 dated 12.09.2024, the proceedings of the first respondent vide Na.Ka.A6/1163/2025 dated 03.04.2025 is liable to be quashed and the same is hereby quashed.

7. In the result, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is also closed.



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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

To:

- 1.The District Collector,
Ranipet District,
Ranipet.
- 2.The Assistant Director (Panchayats),
Ranipet District,
Ranipet.
- 3.The Block Development Officer (VP),
Arakonam Panchayat Union,
Arakonam & Post,
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J.SATHYA NARAYANA PRASAD,J.

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