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W.A.No.2572 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2025

CORAM

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

W.A.No.2572 of 2024

K.Saraswathi

.. Appellant

Vs.

1.The Inspector of Panchayats / District Collector,
Ranipet District.

2.The Assistant Director of Panchayat (VP),
Ranipet District.

3.The Block Development Officer (Village Panchayats),
Walaja Panchayat Union,
Ranipet District.

.. Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent praying to
allow the writ appeal and set aside the order passed by this Court in
W.P.No.18836 of 2024 dated 16.08.2024.



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For Appellant : Mr.L.P.Shanmugasundaram
For Respondents : Mr.R.Ramanlal
Additional Advocate General
Assisted by
Mr.P.Balathandayutham
Special Government Pleader

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J U D G M E N T

(Judgment of the Court was made by *V.LAKSHMINARAYANAN, J.*)

The writ petitioner is the appellant. She presented a writ petition to quash the notice issued by the 2nd respondent in Na.Ka.No.A2/586/2024, dated 24.05.2024.

2.The petitioner was elected as the President of Novlock Village Panchayat, Walaja Taluk, Ranipet District. She assumed the post on 12.10.2021. She pleaded that she has been working diligently and protecting the interest of the villagers and has been taking steps to augment the income of the village panchayat. The petitioner was served with a show cause notice on 08.03.2024 by the 1st respondent invoking Section 205 of the Tamil Nadu Panchayats Act, 1994, setting forth certain allegations against her. She pleads that this is on account of some disgruntled opposition party members, who have been indulging in



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continuous mudslinging, against her. Nonetheless, she gave a response on 20.03.2024 to the show cause notice.

3.The 1st respondent did not accept the explanation of the petitioner and directed the Tahsildar to convene a meeting. The Tahsildar issued proceedings on 02.05.2024, stating the meeting to be held on 17.05.2024. The petitioner filed a writ petition challenging the same in W.P.No.13568 of 2024. The said writ petition was allowed holding that the 1st respondent had not taken notice of the explanation given by the writ petitioner. This Court, following the judgment of the Division Bench in *State of Tamil Nadu Vs. S.Ramasamy, (2011) 5 CTC 197 (DB)*, directed the 1st respondent to afford a fresh opportunity to the petitioner therein in respect of the show cause notice and to issue fresh proceedings in accordance with law.

4.After the order of this Court dated 16.05.2024, the petitioner gave a reply on 22.05.2024. In the mean time, the District Collector, passed an order invoking Section 203 of the Tamil Nadu Panchayats Act, 1994, taking away the cheque signing power of the President and Vice President.



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5.The petitioner, yet again approached this Court by way of a writ petition in W.P.No.14054 of 2024. This Court entertained the writ petition and granted an interim order on 24.05.2024. On the very same day, the order impugned in the writ petition came to be passed.

6.This is an order passed by the 2nd respondent calling upon the petitioner to give her explanation to the charges set forth in the notice. It also pointed out that, in default of a reply, further proceedings will be initiated in terms of Section 205(1)(a) of the Tamil Nadu Panchayats Act, 1994. The writ petition challenged the said notice by way of the present writ petition.

7.The petitioner pleaded that the order of this Court in W.P.No.13568 of 2024, dated 16.05.2024 had not been followed and that the documents on the basis of which the notice was issued were not served on the petitioner. This Court entertained the writ petition and directed the respondents to file a counter.

8.The respondents filed a counter stating that the 2nd respondent had inspected the Panchayat and found certain discrepancies. The counter



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stated even before the order of this Court dated 16.05.2024, the 1st

respondent had appointed a three member committee headed by the Block Development Officer of the concerned Block to verify the records submitted by the petitioner and to submit a report by 10.05.2024. As the order of this Court dated 16.05.2024 had to be complied with, the committee gave another opportunity to the petitioner on 24.05.2024. He pleaded that the requirement of natural justice was complied with and the petitioner was indulging in multiple litigations to prolong the issue instead of submitting a reply to the show cause notice, which was impugned in the present writ petition.

9. When the pleadings having been completed, the learned Single Judge took up the writ petition for disposal. By an order dated 16.08.2024, he came to the conclusion that, the petitioner had not availed the opportunity to inspect the documents and since a meeting had been convened by the Tahsildar on 09.08.2024 and the report had been submitted before the 1st respondent, the writ petition is devoid of merits and consequently, dismissed the same. Hence, this writ appeal.

10. This Court entertained the writ appeal on 23.08.2024 and



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granted an interim order. Subsequently, by an order dated 14.10.2024, the interim stay granted was made absolute. Thereafter, the matter was placed before us for final disposal.

11.We have heard the counsel for appellant and Mr.R.Ramanlal, Additional Advocate General assisted by Mr.P.Balathandayutham, Special Government Pleader for the respondents.

12.What has been impugned in the present writ petition is a show cause notice. The grounds on which a show cause notice can be interfered with, are limited. A show cause notice issued by an authority who lacks the requisite jurisdiction or competence is fundamentally flawed. This position has been settled by the Supreme Court in ***Union of India and another Vs. Kunisetty Satyanarayana, (2006) 12 SCC 28***. Justice Katju, speaking for the Bench, held that the High Court can quash a show cause notice if it is found to be wholly without jurisdiction or for some other reason, as it is wholly illegal.

13.A perusal of the order impugned in the writ petition shows it has been issued by the Assistant Director of Panchayats, Ranipet District



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invoking Section 205(1)(a) of the Tamil Nadu Panchayats Act, 1994. The

show cause notice further states that it has been initiated *suo motu* invoking the power under Section 205(1)(a) of the Tamil Nadu Panchayats Act, 1994. The power under Section 205 of the Tamil Nadu Panchayats Act, 1994 can be invoked only by the Inspector of Panchayats. As to who is the Inspector of Panchayats, is defined under Section 2(16) of the Tamil Nadu Panchayats Act, 1994. The definition states that an Inspector is any officer not below the rank of a Collector appointed by the Government to exercise or perform any of the powers or duties of the Inspector under the Tamil Nadu Panchayats Act, 1994.

14.The respondents have not been able to show any notification issued by the Government empowering the Assistant Director of Panchayats to perform the functions of the Inspector. Furthermore, the Assistant Director of Panchayats is not in rank equivalent to that of a Collector and therefore, no such notification could have been issued by the Government. Mr.R.Ramanlal, Additional Advocate General, states that though the notice has been issued by the Assistant Director, it has been signed by the District Collector. Such a submission, in our view cannot be countenanced.



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15.It is well settled position of law, yet we will reiterate for the purpose of this case that if a statute provides for a thing to be done in a particular manner, then it has to be done in that manner alone. (See, ***State of Jharkhand and others Vs. Ambay Cements and another, AIR 2005 SC 4168***).

16.When the statute has imposed the duty to be performed by the Inspector of Panchayats, the Assistant Director of Panchayats cannot usurp the said power and carry out the activities imposed on the Collector.

17.Hence, on the limited issue of jurisdiction alone, the appeal succeeds. The order passed in W.P.No.18836 of 2024, dated 16.08.2024 is set aside. The show cause notice issued by the 2nd respondent is quashed. The 2nd respondent shall transmit the entire papers to the 1st respondent. The 1st respondent, if he so desires, shall issue a notice strictly in compliance with Section 205(1)(a) of the Tamil Nadu Panchayats Act, 1994. The 1st respondent shall furnish the records upon which he is relying to the petitioner.



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(R.S.K., J)

(V.L.N., J)

03.12.2025

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Index : Yes / No
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Neutral Citation : Yes / No

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