



WEB COPY



W.P.No.34272 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.34272 of 2024
and
W.M.P.No.37127 of 2024

K.Annamalai

...Petitioner

-Vs-

- 1.The District Collector / Inspector of Panchayat,
Office of the District Collector,
Kallakurichi District.
- 2.The Additional District Officer (Project and Planning),
Rural Development Office,
District Collectorate,
Kallakurichi District.
- 3.The Assistant Director (Panchayat),
Office of the District Collector,
Kallakurichi.
- 4.The Assistant Director (Audit),
Office of the District Collector,
Kallakurichi.
- 5.The Tahsildar,
Office of the Tahsildar,
Ulundurpet,
Kallakurichi Taluk.



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6.The Block Development Officer,
Office of the Block Development Officer,
Thirunallaur Block,
Kallakurichi District.

7.The President,
Chengurichi Village Panchayat,
Ulundurpet Taluk,
Kallakurichi District.

8.S.Murugan

9.S.Anandhan

...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 Certiorarified Mandamus, call for the records in connection with the proceedings of the 1st respondent in Roc.No.A4/2258/2024 dated 27.09.2024 and quash the same as illegal and improper and direct the 1st respondent herein to make the petitioner as a joint signatories/operation power on DSC keys as 2nd signatories and authorisation of transaction sunder TNPASS as checker – 1 through validation of OPT along with the 7th respondent and pass such further orders.

For Petitioner : Mr.S.Sabarish

For R1 to R5 : Mr.N.Naveen Kumar,
Government Advocate

For R6 & R7 : M/s.C.Meera Arumugam,
Additional Government Pleader



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ORDER

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This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, call for the records in connection with the proceedings of the 1st respondent in Roc.No.A4/2258/2024 dated 27.09.2024 and quash the same as illegal and further direct the 1st respondent herein to make the petitioner as a joint signatories/operation power on DSC keys as 2nd signatories and authorisation of transactions under the TNPASS as checker – 1 through validation of OPT along with the 7th respondent.

2. The case of the Petitioner is that he has been successfully elected as a ward member from the 8th ward of Sengurichi Village Panchayat, and after having been elected as a member, he was elected as a vice president in the indirect election conducted in October 2021 and is discharging the function as a vice president of Sengurichi Village Panchayat of Kallakurichi District.

3. In the year of 2022, one Uma Maheshwaran was appointed as a panchayat clerk, and he was taking care of the entire accounts, and as per the instructions of the 7th respondent, the Petitioner had given the OTP details to



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said Uma Maheshwaran for collecting the OTP (SMS) and transfer or withdrawal of money from the panchayat account.

4. The grievance of the Petitioner is that the said Uma Maheshwaran had committed financial illegality on various instances, without the knowledge of the Petitioner. Pursuant to the same, the Petitioner made several complaints to the concerned Respondents, and due to inaction had also preferred the Writ Petition before this Court in W.P.No.6967 of 2024, and the same was disposed of by this Court on 22.03.2024, directing the Respondents to consider the Petitioner's representation on merits.

5. On 06.09.2024, the Petitioner was served with a notice in Na.Ka.No.A3/1534/2024 dated 24.08.2024 by the 5th respondent stating that in Thirunavalur village panchayat, Ulundurpettai circle, Kallakurichi District, Sengurichi Village Panchayat members have given a proposal to bring a no-confidence motion against the Petitioner by invoking Section 211 (3) to (12) of the Tamilnadu Panchayat Act, 1994, and the meeting is scheduled on 11.09.2024 at the Revenue Tahsildar Office at Sengurichi Village Panchayat hall. Challenging the said notice, the Petitioner filed a writ



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petition in W.P.No.27125 of 2024, and the same was allowed by this Court and set aside the notice in Na.Ka.No.A3/1534/2024 dated 24.08.2024.

6. In such circumstances, the 1st Respondent issued the impugned order in Roc.No.A4/2258/2024 dated 27.09.2024, through which the Cheque Signing Powers of the Petitioner as 2nd Signatory/Operation Powers of DSC Key as 2nd Signatory and Authorization of transactions under TNPASS as Checker-I, through validation of OTP along with the 7th respondent as 1st Signatory, have been withdrawn and transferred to the 8th Respondent as 2nd Signatory along with the 7th Respondent as 1st Signatory. Aggrieved by the same, the Petitioner has come up with the present Writ Petition.

7. Learned counsel appearing for the Petitioner would submit that the impugned order passed by the 1st Respondent is illegal and arbitrary, as the 1st Respondent has quoted section 204(3) of the Tamil Nadu Panchayat Act, 1994, instead of Section 188(3), withdrawing the cheque signing powers of the petitioner and transferring the same to the 8th respondent, the provisions of which does not substantiate the action of the 1st Respondent,



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8. It is further submitted that the impugned order was passed by the

1st respondent without following the procedure under Section 205(2) to (13).

The 1st respondent has not issued any show cause notice nor sought any explanation from the Petitioner and passed the impugned without following the mandatory procedures which are to be followed for passing an order under Section 204 (3) of the Tamilnadu Panchayats Act, 1994.

9. Learned counsel would then place reliance on the order passed by this Court in W.P.No.27125 of 2024 dated 11.09.2024, wherein the meeting was conducted by the 5th respondent without complying the provisions under Section 211(3) of the Panchayat Act, and straight away ordered to convene the meeting without giving an opportunity to the petitioner to submit his explanation for the allegations made as against him. Here in the present case, the same principle has to be applied. The first respondent has not given any opportunity to the petitioner before passing the impugned order dated 27.09.2024 quashing the cheque signing power of the petitioner under Section 204(3) of the Tamilnadu Panchayats Act, 1994.

10. Learned Government Advocate appearing for the respondents



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would submit that no notice was issued to the petitioner before the impugned order was passed by the first respondent under Section 204(3) of the Tamilnadu Panchayats Act, 1994, withdrawing the signing power of the petitioner.

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

12. In the case on hand, it is an admitted fact that no notice has been issued to the petitioner before passing the impugned order by the 1st respondent as per provision 204(3) of the Tamilnadu Panchayats Act, 1994. Hence, no opportunity was given to the petitioner to submit his explanation for the allegation made against him.

13. In view of the above facts and circumstances of the case, the impugned proceedings of the first respondent in Roc.No.A4/2258/2024 dated 27.09.2024 is liable to be quashed accordingly the same is hereby quashed. The first respondent is at liberty to comply with the provision of Section 204(3) of the Tamilnadu Panchayats Act, 1994, and proceed against the petitioner in accordance with law.



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In the result, the **writ petition stands allowed with the above observations**. No costs. Consequently, connected miscellaneous petition is closed.

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cda

Index : Yes/No

Speaking/Non Speaking order

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