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1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2025

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 32395 of 2024

And

W.M.P.Nos. 35171 & 35172 of 2024

1. Tmt.T.Sonia Thirumal

2. J.Sathishkumar

... Petitioners

..Vs..

1. The District Collector and Inspector of Panchayats
Vellore District,
Vellore.

2. The Assistant Director (Panchayats)
Vellore District
Vellore.

3. The Block Development Officer(VP)
Katpadi Panchayat Union
Katpadi & Post
Vellore.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari calling for the records of the first respondent pertaining to the proceedings in



Na.Ka.No.5/2145/2024 dated 19.10.2024 and quash the same in so far it relates to the withdrawal of the cheque signing power of the petitioners.

For Petitioners :: Mr. S.Kamadevan

For Respondents :: Mr. N.Naveen Kumar
Government Advocate

ORDER

The Writ Petition has been filed in the nature of a Certiorari seeking records of the first respondent/ the District Collector and Inspector of Panchayats, Vellore District, Vellore, regarding the proceeding in Na.Ka.No.5/2145/2024 dated 19.10.2024 and quash the same.

2. By such proceeding, the first respondent had passed an order directing withdrawal of the cheque signing power of the petitioners, who are the President and Vice President of Kuppatha Mottur Village Panchayat, Katpadi Panchayat Union in Vellore District.

3. In the affidavit filed in support of the Writ Petition, it had been stated that the petitioners had been elected to represent



Kuppatha Mottur Village Panchayat in Katpadi Panchayat Union and thereafter, they were further selected as Panchayat President and Vice President by the Ward members. Differences of opinion arose among the elected members leading to complaints being given and complaints being examined and addressed by the District Collector/Inspector of Panchayat. It had been stated that a show cause notice had been issued that the records were not properly maintained for the period 2023-2024 and 2024-2025. The notice was dated 19.09.2024. There were 28 allegations and explanations were called from the petitioners under Sections 203, 204, 205(1)(a) and 206(1)(a) of the Tamil Nadu Panchayat Act 1994. The petitioners also gave their detailed explanation on 08.10.2024 and 09.10.2024 through the third respondent/ Block Development Officer (VP), Katapadi Panchayat Union.

4. It is further contended in the affidavit that the first respondent had examined the allegations levelled against the petitioners and the explanations given. It is contended that the first respondent had come to a conclusion that further steps under Section 205 of the Act need not be initiated but however had invoked Section 203 of the Act and had withdrawn the cheque signing power of the petitioners herein. Assailing that particular decision taken by the first respondent, the present Writ Petition has been filed.



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5. The learned counsel for the petitioners placed reliance on an order passed in ***W.P.No. 31125 of 2024 [R.Sundaraji Vs. the District Collector and others]*** wherein by an order dated 03.12.2024 in quite similar circumstances, it had been held that the cheque signing power could not be withdrawn by invoking Section 203 of the Act and even if it is done, it could only be on emergent circumstances for limited period and not on permanent basis.

6. The learned counsel for the petitioners placed strong reliance on the Judgment of a Division Bench of this Court in ***W.P.No. 27855 of 2022 batch [P.Rangaraj Vs. Director/Commissioner of Rural Development and others]***, reported in ***2024 SCC OnLine Mad 4821***, wherein the Division Bench after examining the law on the point had finally held as follows:-

“25. From the examination of the provisions of the Act as well as the precedents, we have above referred to, the conclusion inescapable is that the Inspector of Panchayat enjoins a power to revoke the cheque signing authority temporarily in case the circumstances contemplated under Section 203 of the Act exist. In a case where the President or Vice President refuses to sign cheque and thereby trying



to delay execution of any work or doing of any act which a Panchayat or Executive Authority or Commissioner is empowered to execute. However, in a case where there are mere allegations of misappropriation, mismanagement or other allegations which warrant the Inspector of Panchayat to take action under Section 205 of the Act, the emergency power cannot be exercised under Section 203 of the Act to withdraw or suspend the cheque signing authority of elected President or Vice President of the Panchayat. ”

7. It is contended that if at all the cheque signing power had to be withdrawn then it has to be a conclusion on enquiry under Section 205 of the Act.

8. In view of the fact that this issue is no longer resintegra, the order impugned stands quashed and set aside. The Writ Petition stands allowed. Consequently, connected Miscellaneous Petitions stand closed. The first respondent may take appropriate action as deemed fit in the circumstances of the case. No order as to costs.

03.01.2025

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Index: Yes/No
Internet: Yes/No
Speaking / Non Speaking Order



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6

C.V.KARTHIKEYAN, J.,

vsg

To

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