



W.P.(MD)No.17833 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.10.2025

CORAM:

THE HON'BLE MS.JUSTICE P.T.ASHA

W.P.(MD).No.17833 of 2025

and

W.M.P(MD)Nos.13654 and 13656 of 2025

Balasubramanian

... Petitioner

Vs.

1. The District Collector,
Tenkasi,
Tenkasi District.
 2. The Assistant Director (Panchayats),
Tenkasi,
Tenkasi District.
 3. The Block Development Officer, (Village Panchayat),
Sankarankovil Panchayat Union,
Tenkasi District.
 4. Kalappakulam Panchayat,
Represented by its President,
Kalappakulam,
Sankarankovil Panchayat Union,
Tenkasi District.
 5. Mrs.Sivasankari
- ... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records of the impugned orders in Na.Ka.No.COLRD/3224/2022-A6 dated 18.11.2024 passed by the 1st respondent and quash the same as illegal and consequently direct the 1st respondent to enquire the complaints as against the 5th respondent under Section 205 of the Tamil Nadu Panchayat Act, 1994.

For Petitioner	: Mr.R.J.Karthick
For R1 and R2	: Mrs.S.Jeya Priya Government Advocate
For R3 and R4	: Mr.P.Thambidurai Government Advocate
For R5	: Mr.P.Santhanakrishnan

ORDER

The above writ petition is filed for a certiorarified mandamus to quash the order passed by the 1st respondent dated 18.11.2024 and to consequently, direct the 1st respondent to enquire into the compliant against the 5th respondent under Section 205 of the Tamil Nadu Panchayat Act, 1994.



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2. It is the case of the petitioner that during the Panchayat election held in the year 2021, the petitioner was elected as the 5th respondent ward member of the Kalappakulam Panchayat. There were allegations of misappropriation of Panchayat fund by the 5th respondent. These allegations were against the 5th respondent and her family members and it not only pertains to misappropriation of Panchayat funds but also to assaulting ward members approving building plans/plots without resolution being passed, causing monetary loss to the Panchayat etc. These complaints were raised to the respondents 1 to 3 by the petitioner and other ward members.

3. Pursuant to these complaints, the 1st respondent vide proceedings dated 15.06.2023 had withdrawn the cheque signing power and print payment advice signature of the 5th respondent and the Vice President and had given powers to the 3rd respondent and the Zonal Deputy Block Development Officer (Zone 4), Sankarankovil. Thereafter, the 1st respondent had cancelled the order and restored the cheque signing power and the print payment advice signature to the 5th respondent alone and the withdrawal order continued in respect of the Vice President.



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4. The petitioner would submit that during the audit inspection conducted in the Panchayat, allegation of misappropriation against the 5th respondent stood proved and to date no steps have been taken to recover the said amounts from the 5th respondent. Not stopping with the earlier order revoking the cancellation, the 1st respondent without even passing orders under Section 205 of the Act had passed an order dated 04.08.2023 invoking powers under Section 204 of the Act and constituted a committee comprising of the Block Development Officer as the head of the committee with four other members. It is also his contention that the 5th respondent had conducted the tender and issued work orders in respect of the tenders that did not fall within her authority.

5. That apart, the 5th respondent had curtailed the right of members to move resolutions. The petitioner would submit that once again the 5th respondent had exceeded her authority in conducting an auction.



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6. It appears that two orders of the 1st respondent are already the subject matter of W.P(MD)No.34974 of 2024 and by order dated 22.10.2024, stay of all further proceedings of these impugned orders were passed in the said writ petition. A counter has been filed wherein for the first time the petitioner and others had come to learn that the respondents 1 to 4 dropped all further proceedings against the 5th respondent in respect of Section 205 proceedings. Challenging the same, the petitioner is before this Court.

7. The petitioner would submit that the order has been passed without notice to the persons who have made the allegations and without affording them an opportunity. The respondents 1 to 3 have totally overlooked the overwhelming complaints made against the 5th respondent for misappropriation of Panchayat funds, misbehavior of the 5th respondent and her family members and manipulation of the Panchayat resolution etc.

8. The petitioner is also aggrieved by the fact that the 1st respondent has not even taken note of the audit inspection dated 30.03.2023 and the impugned order does not even refer to the above.



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9. That apart, the 1st respondent had failed to take note of the proceedings of the Assistant Director Rural Development dated 28.07.2023, directing the 2nd respondent to initiate proceedings under Section 205 of the Act as it has been equally improved during the audit that the 5th respondent is involved in large scale misappropriation of funds.

10. The 1st respondent has filed a counter affidavit, wherein it has been stated that an enquiry has been conducted as contemplated by the provisions of Section 205 of the Tamil Nadu Panchayats Act, 1994. The 3rd respondent was appointed as an 'Enquiry Officer' and she had submitted her report dated 12.06.2023.

11. In paragraph 7 of the counter affidavit, it is clearly stated that after considering the Enquiry Officer's Report, the Tahsildar's findings and the 5th respondent's explanation, the 1st respondent had come to the conclusion that there were no misappropriation of funds. Therefore, besides, the above defences, other defences have also been raised and ultimately the 1st respondent sought to dismiss the writ petition.



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12. The 5th respondent has filed a counter stating that the writ petition was a motivated one and the allegations were baseless, misconceived and misleading. The petitioner has extracted the portions of the contents of the affidavit and stated that the contents are false. However, the respondents has not addressed the statement of the petitioner that the Audit Reports and the Assistant Director of Panchayat (Audit Report) had not been taken into consideration.

13. Heard the learned counsel on either side.

14. A mere perusal of the impugned order coupled with statement of the 1st respondent in paragraph no.7 clearly shows that the complaints lodged against the petitioner has not been taken into consideration. The report of the Assistant Director of Panchayat Audit and the Audit report has not even been referred to in the impugned order. The impugned order merely extracts the contents of the allegations. The reply of the revenue and the explanation of the 5th respondent held that the election had not been proved.



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15. The persons who have made complaints against the 5th respondent have not been called for any kind of enquiry. Therefore, the impugned orders suffers from not only non application of mind but also violation of principles of natural justice. The 1st respondent has totally lost sight of the fact that serious allegations of misappropriation of funds, manipulation, physical threat etc. has been made against the 5th respondent. The 1st respondent who had initially withdrawn the cheque signing power and print payment advice signature for reasons best known to him restored the same in the name of only the 5th respondent and continued the order in respect of the Vice President. The Audit Objections have also flagged the misappropriation by the 5th respondent.

16. Not only have all these factors not been considered by the 1st respondent but also the 1st respondent by restoring the cheque signing power of the 5th respondent has made mockery of the audit objections. Therefore, the impugned order cannot be sustained and is accordingly set aside. The matter is remitted back to the 1st respondent to consider the allegations afresh after affording an opportunity to the petitioner and other



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persons who have lodged complaint against the 5th respondent and thereafter pass a speaking order. The said exercise shall be completed within a period of three (3) months from the date of receipt of a copy of this order.

17. With the above directions, the writ petition stands disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

29.10.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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P.T.ASHA, J.

rgm

To

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Tenkasi District.
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Tenkasi District.
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Sankarankovil Panchayat Union,
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Represented by its President,
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