



W.P.(MD) No.27778 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.27778 of 2024
and
W.M.P.(MD) Nos.23578 and 25436 of 2024

Muthumalai Ammal

... Petitioner

/vs./

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

2.The Tahsildar,
Tenkasi District.

3.The Block Development Officer,
Kulasekarapatti.

4.P.Palaniyappa

*(R3 has been suo motu impleaded vide
order dated 21.11.2024 and R4 has been
impleaded vide order dated 03.04.2025)*

... Respondents



W.P.(MD) No.27778 of 2024

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records of the Impugned Order in Na.Ka.No.COLRD/1756/2022.A6 dated 05.11.2024 on the file of the 1st Respondent and consequential Gazette Notification dated 08.11.2024 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai

For R1 to R3 : Mr.Veerakathiravan
Additional Advocate General assisted by
Mr.D.Ghandiraj
Special Government Pleader

For R4 : Mr.K.Jeyamohan

ORDER

In this writ petition, the petitioner has challenged the impugned order passed under Section 205(11) of the Tamil Nadu Panchayat Act, 1994, (*herein after referred to as Act*), by the first respondent, the District Collector/Inspector of Panchayat, Kulasekaram Panchayat, Tenkasi District.

2.The impugned order removes the petitioner as the President of the Panchayat pursuant to a show cause notice issued to the petitioner by the first



W.P.(MD) No.27778 of 2024

WEB COPY

respondent on 03.02.2023 in his proceedings bearing
Ref.Na.Ka.No.COLRD/1756/2022.A6.

3.The learned counsel for the petitioner would submit that the entire proceeding has been initiated at the behest of one P.Palaniyappa, who appears to be a member of the Ward (12th Ward).

4.It is submitted that initiation of the aforesaid show cause proceedings under Section 205(1) of the Act was without jurisdiction, as the impugned proceeding has been initiated only at the behest of the said Palaniyappa and does not satisfy the requirement of Sub Clause (a) or (b) to Section 205(1) of the Act.

5.It is submitted that sub clause (a) would apply only to situation, where the Inspector, on his own motion, initiates proceedings to remove an elected President and sub clause (b) would apply to a different situation, where there is more 2/3rd of the elected members.

6.Section 205(1)(b) of the Act reads as under:-



W.P.(MD) No.27778 of 2024

WEB COPY “ 205. Removal of President – (1) The Inspector -

(b) on a representation in writing signed by not less than two-thirds of the sanctioned strength of the Village Panchayat containing a statement of charges against the president and presented in person to the Inspector by any two of the members of the Village Panchayat, is satisfied that the President willfully omits or refuses to carry out or disobeys any provisions of this Act, or any Rule, bye-law, Regulation or lawful order made or issued under this Act or abuses any power vested in him, the Inspector shall, by notice in writing, require the President to offer within a specified date, his explanation with respect to this acts of omission or commission mentioned in the notice.”

7.That apart, it is submitted that earlier the complaint given by the said Palaniyappa was directly referred to the DVAC. Also, it is submitted that both the sub clauses (a) and (b) to clause (1) of Section 205 of the Act have not been satisfied and therefore, the show cause proceeding, which has culminated in the impugned order, is liable to be interfered with and therefore, this Writ Petition is liable to be allowed.

8.On the other hand, the learned Additional Advocate General assisted by Mr.D.Ghandiraj, learned Special Government Pleader for the respondents 1 to 3



W.P.(MD) No.27778 of 2024

WEB COPY

would submit that an appellate remedy is available to the petitioner in terms of Section 205(12) of the Act.

9.As per clause (12) to Section 205 of the Act, the Government shall have the power to cancel any notification issued under sub Section (11) and may pending a decision on such cancellation, postpone the date specified in such notification.

10.It is submitted that since the petitioner has an alternative remedy in terms of Section 205(12) of the Act, the present Writ Petition is liable to be dismissed.

11.Opposing the prayer, the learned counsel for the fourth respondent would submit that there is no merit in the present writ petition. It is submitted that the Courts have repeatedly held that an appellate remedy is available under Section 205(12) of the Act.

12.In this connection, a reference was made to the decision of the Division



W.P.(MD) No.27778 of 2024

WEB COPY

Bench of this Court in ***District Collector cum Inspector of Panchayat and Others Vs. S.Senthamizh Selvi and another (2009 (1) CTC 356*** and in W.A. (MD) No.938 of 2015 (***Mariyappan Vs. The State of Tamil Nadu and others***), dated 11.09.2015.

13.It is submitted that in the first mentioned decision, the Court had held as under:-

"6.However, against the order which has been passed by the Inspector, the person aggrieved has the right to approach the Government under Section 205(12) of the said Act. The said provision is extracted hereinbelow:

"(12) The Government shall have power to cancel any notification issued under sub-section (11) and may, pending a decision on such cancellation, postpone the date specified in such notification."

The said provision has not been exhausted before filing the Writ Petition. We, therefore, give liberty to the writ petitioner, the first respondent herein, to exhaust the said remedy, if she is so advised, within a fortnight from today. If the first respondent approaches the Government within the period stipulated above, the Government may pass appropriate orders within a period of six weeks from the date of working of the said remedy. We do not make any observation on the merits of the case of the first respondent. The Writ Appeal is accordingly allowed. The impugned order of the learned Single Judge is set aside. No costs. Consequently M.P.No.1 of 2008 is closed."

3. Accordingly, the writ petition is disposed of with liberty to the petitioner to file an appeal to the Government along with an application for stay. On filing such an appeal and application for stay the authority is directed to dispose of the stay petition expeditiously, preferably within one week from the date of filing of the appeal and



W.P.(MD) No.27778 of 2024

WEB COPY

the stay petition. Consequently, the connected M.P. is closed. No costs.””

Hence, he prays for dismissal of this writ petition.

14.The learned counsel for the petitioner would, however, submit that an identical issue came up before this Court in W.P.No.13202 of 2024 (***M.Venda Vs. The Inspector of Panchayats/District Collector and another***), dated 05.09.2024, wherein, the learned single Judge of this Court followed the view of another single Judge of this Court in ***J.Maria Selvam Vs. Government of Tamilnadu, rep by Secretary and another*** reported in ***2006 3 MLJ 537***.

15.A reference was made to para 21 from the decision of this Court in *J.Maria's case referred to supra*, which reads as under:-

“21. A careful reading of the said provision would show that it is no doubt a remedy available but the question is whether it is an effective appellate remedy. As rightly contented by the learned counsel for the petitioner if it is an appellate remedy it should be statutorily specific in nature. A reading of Section 205(12) would show that such right of appeal has not been given specifically or with statutory force. It is only in case where the right of appeal as a matter of right, the person who is entitled to prefer such an appeal will have effective right



W.P.(MD) No.27778 of 2024

WEB COPY

to enforce his argument against the impugned order. On the other hand, a reading of the said sub-section shows that it is a discretionary right available to the petitioner who may move the Government for the purpose of cancellation of the order of the Inspector of Panchayats passed under Section 205 (11) of the Act. It also empowers the Government to suo motu take up any such order passed by the Inspector under Section 205(11) and cancel the same. Mere power on the part of the Government in cancelling the order of the Inspector issued under sub-section (11) and pending such cancellation power to postpone the dates specified in the notification under Section 205(11) cannot be termed as an effective appeal remedy.”

16.The learned counsel for the petitioner would further submit that in case, this Court is inclined to direct the petitioner to workout the appellate remedy under Section 205(12) of the Act, the Court may fix the time line for disposal of the appeal as was ordered by this Court in ***M.Ajmun Khan Vs. The District Collector and others*** reported in ***2017 SCC Online Mad 23827***, wherein, it was held as under:-

“4.In view of the above submissions, this writ petition is disposed of, permitting the petitioner to file an appeal before the Government within a period of two weeks from the date of receipt of a copy of this order and if any such appeal being filed, the same shall be entertained without raising any objection with regard to limitation, considered on merits and in accordance with law and orders be passed thereon within a period of four weeks thereafter, after affording an opportunity of hearing to the petitioner as well as to the fourth respondent. No costs. Consequently, connected miscellaneous petition is closed.”



W.P.(MD) No.27778 of 2024

WEB COPY

17.Having considered the submissions made by the learned counsel for the petitioner, the learned Additional Advocate General assisted by Mr.D.Ghandiraj, learned Special Government Pleader for the respondents 1 to 3 and the learned counsel for the fourth respondent and having perused the decisions submitted by the learned counsel on either side and the provisions of the Act, I am of the view that although the language of Section 205(12) of the Act merely confers a power to cancel any notification issued under sub-section 11 and while exercising the powers for cancellation and pending such decision, the Government can also postpone the date specified in the Notification referred to in Section 205(11) of the Act. However, it has been interpreted within the appellate provisions in the two cases in *Mariyappan's case* and *District Collector cum Inspector of Panchayat and others's case* referred to supra.

18.The decision of the learned single Judge in *M.Venda's case* referred to supra following the earlier view in *J.Maria Selvam's case* referred to supra though would appeal to my conscious, I am however bound by the decision of the



W.P.(MD) No.27778 of 2024

WEB COPY
Division Bench.

19. Therefore, I am inclined to dismiss this Writ Petition with liberty to the petitioner to file a statutory appeal within a period of two weeks from the date of receipt of a copy of this order.

20. In case, such an appeal is filed within such time, the same shall be disposed of by the appellate authority within a period of four weeks from the date of filing of the appeal. Needless to state, all the parties shall be heard before final orders are passed in the appeal.

21. With such liberty, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes / No
pnn/mm

20.08.2025



W.P.(MD) No.27778 of 2024

WEB COPY

To

- 1.The District Collector/
Inspector of Panchayats,
Tenkasi District.
- 2.The Tahsildar,
Tenkasi District.
- 3.The Block Development Officer,
Kulasekarapatti.



WEB COPY



W.P.(MD) No.27778 of 2024

C.SARAVANAN, J.

pnn/mm

W.P.(MD) No.27778 of 2024

20.08.2025