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W.P.No.18409 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 27.11.2025

Pronounced on : 06.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE **V. LAKSHMINARAYANAN**

W.P.No.18409 of 2025 &
W.M.P.No.20612 of 2025

N.Veerassamy

... Petitioner

Vs.

1.The District Collector cum Inspector of Panchayats,
O/o. District Collectorate,
Chengalpattu District.

2.The Assistant Director of Panchayats,
Chengalpattu District,
Chengalpattu.

3.The Block Development Officer,
Tiruporur Panchayat Union,
Tiruporur,
Chengalpattu District.

4.Mohan

5.B.Vijayalakshmi
(R4 & R5 impleaded vide
order dated 16.07.2025
made in WMP.No.24899 of
2025)

6.M.Saravanan

7.V.Vasanthi
(R6 & R7 impleaded vide
order dated 16.07.2025
made in WMP.No. 24937 of
2025)

... Respondents



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PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned order passed by the first respondent vide proceedings in Na.Ka.No.277/2023/A5-U.E(UU) dated 22.04.2025 and the consequent notification published in Tamil Nadu Government Gazette No.187 dated 25.04.2025, removing the petitioner from the post of President of Mambakkam Panchayat and quash the same as illegal and direct the respondents to allow the petitioner to function as president of Mambakkam Panchayat.

(Amended vide order dated 16.09.2025 made in WMP.No.37955 of 2025)

For Petitioner :Mr.N.Subramani, Senior Advocate
for Ms.R.Vidhya

For Respondents :Mr.J.Ravindran, Additional Advocate General
Assisted by, Mr.L.S.M.Hasan Fisal,
Additional Government Pleader
for R1, R2, R10 and R11 &
Assisted by Mr.S.Rajesh, Government Advocate
& Mr.Alagu Gautam, Government Advocate
for R3
Mr.M.R.Jothimanian for R4, R5
Mr.A.M.M.Ramana for R6 & R8
Mr.G.Mohan for R7

ORDER

The petitioner was elected as the President of the Mambakkam Panchayat situated at Chengalpet District. The District Collector initiated proceedings under Section 205(1)(a) of the Tamil Nadu Panchayats Act, 1994. A notice was issued on 04.05.2023. Five charges were levelled against the petitioner. The petitioner submitted his reply to the same. He denied the allegations made against him as false. The Collector accepted the



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explanation of the petitioner and dropped further proceedings invoking

Section 205(2) of the Act.

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2. The petitioner alleges that the ward members, who had initially lodged a complaint with the District Collector, continued to harass him and prevent the implementation of the Public works, that were being carried on by him. The petitioner immediately addressed the District Collector on 05.07.2023 calling upon that authority to authorise him to perform the duties of the Panchayat. The petitioner wanted the District Collector to give such an authorisation invoking Section 204 (3) of the Tamil Nadu Panchayats Act, 1994. He pleads that the District Collector did not act on the representation. Instead, the District Collector passed an order on 31.08.2023 cancelling the functional powers of the writ petitioner and entrusted the same to the Block Development Officer and the Deputy Block Development Officer of the concerned block. The petitioner challenged the said proceeding by way of a writ petition in W.P.No.29320 of 2023. This writ petition was dismissed by this Court on 27.11.2023. Challenging the same, the petitioner filed an appeal in W.A.No.922 of 2025. The same is pending consideration.

3. The petitioner states that he was originally associated with the ruling party of the State. After a new party was floated by a cine actor, he shifted his allegiance to that party. On account of change in political allegiance, the members of the ruling party started lodging complaints

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against the petitioner. The Vice President along with three ward members of the village gave representations on 06.03.2023, 20.03.2023 and 10.04.2023 alleging that the petitioner is functioning arbitrarily. They also complained that the President was not convening the Village Panchayat meeting and was indulging in corrupt practices, while granting approval for building plans, levying taxes and in addition, was misappropriating Panchayat funds.

4. The first respondent, taking note of these allegations, directed the second respondent to conduct an enquiry and also to inspect the relevant records and registers. He, accordingly, did so and submitted a report on 13.04.2023. Apart from several other aspects, he pointed out that the petitioner did not serve notice on all ward members, as required by law, for the meeting conducted on 06.01.2023 and 02.03.2023.

5. The first respondent, taking cognizance of the enquiry report of the second respondent, invoked Section 205 of the Panchayats Act and called upon the petitioner to submit his explanation. This notice was issued on 04.05.2023. The petitioner submitted his explanation on 22.05.2023. After the explanation from the petitioner, the first respondent yet again directed the second respondent to inspect the Panchayat record and submit a report. It was done on 19.06.2023. The inspection report informed the first respondent that there were several procedural lapses and incurring improper expenditure by the President and the Vice President during the period 22.10.2021 and 23.01.2023. The lapses identified were as follows:



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(i) The expenditure on street lights Rs.10,05,155/-

(ii) Water Supply maintenance Rs.18,02,497/-

(iii) Removal of debris generated in the Panchayat by hiring garbage removal vehicle to the tune of Rs.3,98,400/- and

(iv) Repair to bus shelter of 99,900/-.

6. Being satisfied that the case had been made out for further enquiry, the first respondent issued a show cause notice on 26.07.2023. The petitioner and his alleged co-delinquent, the vice president, submitted their explanations on 17.08.2023 and 16.08.2023 respectively. The first respondent compared the charges as against the explanation and came to a conclusion that the explanations offered are unacceptable. Therefore, he proceeded as per Section 205(2) of the Panchayats Act. He directed the Tahsildar, Vandalur Taluk, to conduct a meeting strictly in accordance with Section 205 of the Act. The Tahsildar also conducted a meeting on 09.10.2024. In the same meeting, all the five ward members voted in favour of removal of President and Vice President. Consequently, the Tahsildar, Vandalur submitted a report of the meeting to the first respondent on 10.10.2024.

7. The first respondent, instead of removing the petitioner by passing an order under Section 205, gave a further chance to the petitioner by issuing a show cause notice on 30.10.2024. The petitioner gave an explanation on 15.11.2024. Pending further action on the complaint, show

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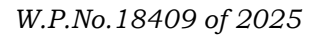


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cause notice, meeting and resolutions; yet again, complaints were lodged against the petitioner by the Vice President and ward members on 17.03.2025. In the said complaint, it was alleged that the petitioner was arbitrarily passing resolutions without proper quorum in the meeting. The meetings were said to have been held on 05.12.2024 and 25.02.2025.

8. The Assistant Director (Audits) submitted a report on 21.04.2025 relating to the allegations made against the petitioner and his additional explanations. Thereafter, the first respondent perused the aforesaid proceedings and came to a conclusion that the charges levelled against the petitioner are proved. The five charges framed against the petitioner and the explanations are scanned and reproduced hereunder:

அ. எண்.	குற்றச்சாட்டுகள்	ஊராட்சி மன்றத் துணைவரின் துணைவினைய விளக்கம்
1	மன்றபாக்கம் ஊராட்சியில் 09.11.2022 அன்று நடைபெற்ற ஊராட்சி மன்ற கூட்டத்திற்கு நேரம், இடம், விடம், மாதங்களை ஊராட்சி மன்றக் கூட்டம் நடத்தப்படாது.	மன்றபாக்கம் ஊராட்சியில் 09.11.2022 அன்று சாதாரண கூட்டம் நடைபெற்றது. அடுத்து 60 நாட்களுக்கு விவரம் ஊராட்சி மன்றத் துணைவரின் பதவி 06.01.2023 அன்று நடைபெறாவிடுவதும் சாதாரண கூட்டம் குறித்து துணைவிதனான மத்யம் உறுப்பினர்களுக்கு தொலைபேசியில் வாயிலாக எண்ணால் தகவல் தெரிவிக்கப்பட்டது. அடுத்து துணைவிதனான கூட்டம் அனைத்து வார்டு உறுப்பினர்களுக்கும் தேவையாக வந்த கடிந்து வெளியாகவும், எவ்வெவ்வம் மேலும் தகவல் எண்ணால் தெரிவிக்கின்ற. அதுமேலும் கூட்டம் மேலும் கூட்டங்களாக கூடுவதா அல்லவா அதுமேலும் கூடுவதா காரணங்களில் அனைத்து மாதங்களை கூட்டங்களாகும் முறையாக பதிவு தபால் மூலம் அனைத்து இலாகா சார்வ செய்து கூட்டத்தினை நடத்துகின்றேன். 60 நாட்களுக்குள் விவரம் ஊராட்சியின் சாதாரண கூட்டம் முறைமை தா. தபால் மூலம் எனவே, கீழ்க் குறியிடப்பட்டிருந்து நான் கூட்டம் எடுக்காத காரணத்தை வெளியிடுவது நடத்த வேண்டும் என்று அறிந்து கொண்டு மேலும் தவறுதலாக கூடுவதற்கு மேலும் தேதியில் நடைபெற்ற கூட்டத்தில் ஊராட்சி மன்றத் துணைவிதனான துணைவிதனான.



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சு. எண்.	குற்றச்சாட்டுகள்	ஊராட்சி மன்றத் துணைவரின் தகவலை விளக்கம்
1		மத்திய அளவில் மாத்திரி கிராம ஊராட்சி யாக செயல்பட்டுத் துணைவரின் ஊராட்சிமன்றத் துணைவராகப் பணிக்கு மேற்கண்ட குற்றச்சாட்டுகள் அனைத்தும் தவிர்ப்பட்ட முறையில் என்னவா செய்து பழங்கித் களங்கம் கதிருக்கும் உள்நேரக்கேதலுடன் தெரிவிக்கப்பட்டுள்ளது. எதிர்வரும் காலங்களில் ஊராட்சியில் காலம் தவறாமல் ஊட்டங்கள் நடத்தி ஊராட்சியின் திறமைக்காக மேலும் செயல்படக்கூடியவன். நான் துணைவராக ஏதேனும் பதவி கிராமத்திற்கும் சொல்லப்பட்ட முறையில் தெரிவிப்பதாகவும், செயல்படப்படுகிறது. தனிப்பட்ட முறையில் உறுப்பினர்களையும், பணியாளர்களையும் அவர்களுக்கிடையே அமைதிக்குரிய மரியாதையுடனும் ஊராட்சி திறமைக்காக நடத்தி வருகிறேன். எதிர்வரும் காலங்களிலும் நடத்தவேண்டிய முறைகள் இக்குற்றச்சாட்டினால் மன்னித்து விட்டும் ஊராட்சி சிறப்பாக செயல்பட அனுமதி வழங்குமாறு கேட்டுக்கொள்கிறேன்.

9. The charges framed on 26.07.2023, in view of the report of the Assistant Director (Panchayats), and the explanation dated 17.08.2023 are scanned and reproduced hereunder:

சு. எண்.	குற்றச்சாட்டுகள்	குற்றச்சாட்டுகளுக்கு ஊராட்சி மன்றத் துணைவரின் விளக்கம்
1	தொரு விளக்கு உதிர்ப்பாகம் கொள்முதல் மரபுடன் கூடுதல்	தொருவிளக்கு உதிர்ப்பாகங்கள் கொள்முதல் விவரங்கள் இவ்வெழுத்து கட்டடத்தில் தான்



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வ. எண்.	குற்றச்சாட்டுகள்	குற்றச்சாட்டுகளுக்கு ஊராட்சி மன்றத்தலைவரின் விவரம்
1	தொடர்பான கொள்கை பட்டியலில் விவரப்படுத்திய ஒரே மாடுபிடிப்பு செயல்பாட்டில் பதிப்பட்டுள்ளது.	மேற்கண்ட குற்றச்சாட்டுகள் உண்மையில் இல்லாததால் தான் பொருள்கள் கிடைக்காமல் போய்விட்டன. மேலும் ஊராட்சி மன்ற நிர்வாகத்தின் அடிப்படையில் மேற்கொள்ளப்பட்ட நடவடிக்கைகள் மூலமாக இவ்விதமான குற்றச்சாட்டுகள் எழவில்லை. மேலும் ஊராட்சி மன்றத்தலைவர் எந்தவிதமான பணிபுரட்சியும் மேற்கொள்ளவில்லை.
2	சுப்பை அகற்றுதல் செயல்பாட்டில் பட்டியலில் அளவுபடுத்தல் செய்யப்படவில்லை. பணிமேற்படுத்தப்பட்டுள்ள அளவு ஒன்றிய பொறுப்பாளிகள் ஒப்புகள் ஏதும் செய்யப்படவில்லை.	மேற்கண்ட குற்றச்சாட்டுகள் உண்மையில் இல்லாததால் தான் பொருள்கள் கிடைக்காமல் போய்விட்டன. மேலும் ஊராட்சி மன்ற நிர்வாகத்தின் அடிப்படையில் மேற்கொள்ளப்பட்ட நடவடிக்கைகள் மூலமாக இவ்விதமான குற்றச்சாட்டுகள் எழவில்லை. மேலும் ஊராட்சி மன்றத்தலைவர் எந்தவிதமான பணிபுரட்சியும் மேற்கொள்ளவில்லை.



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வ. எண்.	குற்றச்சாட்டுகள்	குற்றச்சாட்டுகளுக்கு ஊராட்சி மன்றத்தாலுவரின் விளக்கம்
4	பேருந்து நிழற்கூடை, பழுது செய்யப்பட்டு பட்டியலில் அளவுபடுத்தும் முறையில் சிவ்வரை, மேலும் ஒன்றிய பொறியாளர்கள் ஒப்புதல் பெறப்படவில்லை.	பேருந்து நிழற்கூடை பழுது செலவினம் பட்டியலில் ஒன்றிய பணி மேற்பார்வையாளர் கையொப்பம் இடப்பட்டுள்ளது. எனவே, அலுவலர்களின் பார்வைக்கு கொண்டு சென்றதால் செலவினங்களை மேற்கொண்டிருக்கோம். இதுவரை தடைபெற்ற பணிகளுக்கு ஒன்றிய பணி மேற்பார்வையாளரிடம் அளவு படுத்தத்தில் நடந்து முடிந்த பணியை குறித்து பரிசு செய்வு ஒப்பம் பெற்று தங்கனிடம் நேரடியாக சமர்ப்பிக்க ஒரு மாத காலம் அவகாசம் வழங்கி கொடுக்கொள்கிறோம்.
5	சென்சார் பொருத்தியது தொடர்பான செலவினப்பட்டியலில் அளவுபடுத்தும் முறையில் சிவ்வரை, மேலும் ஒன்றிய பொறியாளர்கள் ஒப்புதல் பெறப்படவில்லை.	சென்சார் பொருத்தியது திருப்பிக் கொடுத்த ஊராட்சி ஒன்றியம் உட்பட்ட செங்கப்பட்டு மாவட்டத்தில் உள்ள ஊராட்சிகளுக்கு ஒட்டுமொத்தமாக SPOWEZ SOLUTIONS PVT LTD இயற்றுவதைப்பற்றி பொறுப்பு ஒப்படைக்கப்பட்டுள்ளதாக, ஊராட்சியில் சிவ்வரை ஒன்றிய தணியாகக் கோரி ஒப்பு பெற்றது தபால் மெய்யை மூலம் வழங்கப்படுகின்றன. உயர் அலுவலர்களின் ஆணைபாடான மற்றும் அறிவுறுத்தலின் பேரில் SPOWEZ SOLUTIONS PVT LTD இயற்றுவதைப்பற்றி வழங்கப்பட்டது. மேலும், அதன் அடிப்படையிலேயே செலவினம் மேற்கொள்ளப்பட்டது. இப்பணி ஊராட்சிமன்ற நிர்மாணத்தின் அடிப்படையில் மேற்கொள்ளப்பட்டது. இதில் ஒன்றியம் பொறியாளர்கள் கையொப்பம் இடப்படும். இதுவரை தடைபெற்ற பணிகளுக்கு ஒன்றிய பணி மேற்பார்வையாளரிடம் அளவு படுத்தத்தில் நடந்து முடிந்த பணியை குறித்து பரிசு செய்வு ஒப்பம் பெற்று தங்கனிடம் நேரடியாக சமர்ப்பிக்க ஒரு மாத காலம் அவகாசம் வழங்கி



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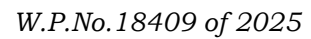
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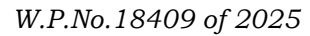
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வ. எண்.	குற்றச்சாட்டுகள்	கூற்றுச்சாட்டுகளுக்கு ஊராட்சி மன்றத்தினையவரின் விளக்கம்
		கோட்டுக்கொள்கிறேன். இத்தொடர்பான அலுவலரின் கார்டுசி - சாரதி தொலையணை விடுவதற்குமாறு பணிபுரிக் கோட்டுக் கொள்கிறேன்.

10. The additional explanations received from the petitioner on 15.11.2024 on the notice issued by the District Collector on 30.10.2024 are scanned and reproduced hereunder:

வ. எண்.	குற்றச்சாட்டுகள்	கூற்றுச்சாட்டுகளுக்கு ஊராட்சி மன்றத்தினையவரின் விளக்கம்
1	கெட்டு விளக்கு உதிரி பாகங்கள் கொண்டுதான் மற்றவை கூட விடப்பட்டிருக்கின்றன. இவற்றைக் குறித்து ரூ.10,05,155/- செலவாகியிருக்கிறது.	தொகுப்பு-1-ல் கெட்டு விளக்கு உதிரி பாகங்கள் கொண்டுதான் மற்றவை கூட விடப்பட்டிருக்கின்றன. இவற்றைக் குறித்து ரூ.10,05,155/- செலவாகியிருக்கிறது. மேலும், கொடுக்கப்பட்டிருக்கின்றன. இவற்றைக் குறித்து ரூ.10,05,155/- செலவாகியிருக்கிறது. மேலும், கொடுக்கப்பட்டிருக்கின்றன. இவற்றைக் குறித்து ரூ.10,05,155/- செலவாகியிருக்கிறது.
	1. ஆய்வினை மேலும் விவரப்படுத்தலாகி ஒன்று மாதங்காலம் வைக்கப்பட்டிருப்பது காரணம் தீவிரமாக ஆய்வு செய்து அதன் மூலம் காரணம் கண்டுபிடிக்கப்பட்டிருக்கிறது. மேலும், கொடுக்கப்பட்டிருக்கின்றன. இவற்றைக் குறித்து ரூ.10,05,155/- செலவாகியிருக்கிறது.	குறைபாடு-1 (பக்கம் 11) - க்கு விளக்கம்:- கெட்டு விளக்கு உதிரி பாகங்கள் கொண்டுதான் மற்றவை கூட விடப்பட்டிருக்கின்றன. இவற்றைக் குறித்து ரூ.10,05,155/- செலவாகியிருக்கிறது. மேலும், கொடுக்கப்பட்டிருக்கின்றன. இவற்றைக் குறித்து ரூ.10,05,155/- செலவாகியிருக்கிறது.
	கெட்டு விளக்கு உதிரி பாகங்கள் கொண்டுதான் மற்றவை கூட விடப்பட்டிருக்கின்றன. இவற்றைக் குறித்து ரூ.10,05,155/- செலவாகியிருக்கிறது.	குறைபாடு-1 (பக்கம் 11) - க்கு விளக்கம்:- கெட்டு விளக்கு உதிரி பாகங்கள் கொண்டுதான் மற்றவை கூட விடப்பட்டிருக்கின்றன. இவற்றைக் குறித்து ரூ.10,05,155/- செலவாகியிருக்கிறது. மேலும், கொடுக்கப்பட்டிருக்கின்றன. இவற்றைக் குறித்து ரூ.10,05,155/- செலவாகியிருக்கிறது.

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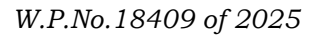
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ஆ. எண் குறிஞ்சாட்டுகள்	ஆ. எண் ஊராட்சி மன்றத் தலைவரின் கூடுதல் விளக்கம்
நெடுமீக்கப்பட்டி என்பது ஆலாசை வேளாண் சந்தர்ப்பம் கீழ்ப்படிந்து நான் மற்றும் டாக்டர் என் பிரசன்னாவுடன் சூரியன், மூட்டைகளால் சாணப்பித்தலை பாணித்திட்ட வேண்டிய பணிகளுக்கு அனுப்பித்தலை கருவியடையல் கொள்கைகள் மேற்கொள்ளப்பட்டுள்ளதால், இது முறைப்படி செயல்படாமல் இருக்கிறது. 2. ஆலாசை (பிரதானம்) 357, கனரக வளர்ச்சி முறைகள் சிவாசுத்தி குறைபாடு 21.12.2015 சென்றதால் குடியேற்றம் பற்றிய பணிகள் மேற்கொள்ளப்பட்டுள்ளது. 3. ஆலாசை (பிரதானம்) 108, கனரக வளர்ச்சி துறை. நாம் 25.05.1999 முதல், சிவாசு வளர்ச்சி திட்டி வரி வசூலில் 20 நிபந்தனைகள் கொண்டிருக்கின்றன. மேலும் பற்றிய பணிகள் மேற்கொள்ளப்பட்டுள்ளதால், இது முறைப்படி செயல்படாமல் இருக்கிறது. 4. ஆலாசை (பிரதானம்) 108, கனரக வளர்ச்சி துறை. நாம் 25.05.1999 முதல், சிவாசு வளர்ச்சி திட்டி வரி வசூலில் 20 நிபந்தனைகள் கொண்டிருக்கின்றன. மேலும் பற்றிய பணிகள் மேற்கொள்ளப்பட்டுள்ளதால், இது முறைப்படி செயல்படாமல் இருக்கிறது.	சுற்றுலா துறைகள் குறித்து அமைச்சரின் பணிக்குறிப்பிடுவதற்கு இப்போது வேண்டிய சந்தர்ப்பம் கிடைக்கவில்லை. மேலும் டாக்டர் என் பிரசன்னாவுடன் சூரியன், மூட்டைகளால் சாணப்பித்தலை பாணித்திட்ட வேண்டிய பணிகளுக்கு அனுப்பித்தலை கருவியடையல் கொள்கைகள் மேற்கொள்ளப்பட்டுள்ளதால், இது முறைப்படி செயல்படாமல் இருக்கிறது. கனரக வளர்ச்சி - 357 விளக்கம் ஆலாசை (பிரதானம்) 357 கனரக வளர்ச்சி துறை நாம் 25.05.1999 முதல், சாணப்பித்தலை கருவியடையல் கொள்கைகள் மேற்கொள்ளப்பட்டுள்ளதால், இது முறைப்படி செயல்படாமல் இருக்கிறது. கனரக வளர்ச்சி - 108 விளக்கம் ஆலாசை (பிரதானம்) 108 கனரக வளர்ச்சி துறை நாம் 25.05.1999 முதல், சிவாசு வளர்ச்சி திட்டி வரி வசூலில் 20 நிபந்தனைகள் கொண்டிருக்கின்றன. மேலும் பற்றிய பணிகள் மேற்கொள்ளப்பட்டுள்ளதால், இது முறைப்படி செயல்படாமல் இருக்கிறது.
4. மேலும் குறிப்பிடுகிறேன். பற்றிய பணிகள் மேற்கொள்ளப்பட்டுள்ளதால், இது முறைப்படி செயல்படாமல் இருக்கிறது.	கனரக வளர்ச்சி 4 மேலும் குறிப்பிடுகிறேன். பற்றிய பணிகள் மேற்கொள்ளப்பட்டுள்ளதால், இது முறைப்படி செயல்படாமல் இருக்கிறது.

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வ. எண்.	பதிலுள்ளவர்கள்	உத்தரவிட்ட மன்றத்தின் தலைவரின் கையொப்பம்
	பேரவையின் செயலாளர்	
	கருத்துப்பெற்று	

11. The first respondent was satisfied that the charges had been proved and passed an order on 22.04.2025. It was forwarded to the Government for appropriate action. It was notified in the Tamil Nadu Government Gazette on 25.04.2025. Challenging the same, the present writ petition.

12. I heard Mr.N.Subramani for Ms.R.Vidhya for the petitioner, Mr.J.Ravindran, learned Additional Advocate General, Assisted by Mr.L.S.M.Hasan Fizal for the respondents 1, 2, 10 & 11, Mr.S.Rajesh, Government Advocate for 3rd respondent, Mr.M.R.Jothimanian for the respondents 4 and 5, Mr.A.M.M.Ramana for the respondents 6 and 8 and Mr.G.Mohan for the 7th respondent.

13. After taking me to the charges, Mr.N.Subramani submitted that the impugned order reflects patent non-application of mind to the explanations that have been offered by the petitioner and the records submitted by him.



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14. He pointed out that insofar as charge No.1 is concerned, the allegation was that no resolution was passed, prior to incurring the expenditure with regard to replacement of street lights and that the bills both bore similar handwriting and signature.

15. Taking me to the additional typed set-IV filed by him, he pointed out that three persons had bid for the work, namely,

- (i) Doshi Electricals,
- (ii) Pradash Electricals and Electronics, and
- (iii) SRS Niagara Power Saver.

He pointed out that the fact that the allegations are matching is absolutely a false one and a perusal of the same, in page 14 and 15 of the said typed set would reflect the same. In addition, he states that the Assistant Engineer, Panchayat Union, Tiruporur has perused the quotations submitted by all the parties and had come to the conclusion that the quote given by M/s.SRS Niagara Power Saver is the most competitive one and accordingly, contract had been given to the said entity.

16. Mr.N.Subramani pleads that the bills that had been raised are supported by a valid resolution of the Panchayat in item No.65 of the minutes book dated 15.02.2022. He points out that on this resolution, the Vice President as well as the other five ward members had affixed their signatures and therefore, charge No.1 is absolutely false. He points out that the sub-charge to charge No.1 is that Form-17(e), which lists the working

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and non-working lights, had not been filled up is also false. He relies upon the documents filed at page 25 and 26 of the typed set-IV to point out that the President had, in fact, maintained the records as required by law. To the third sub-charge that the petitioner did not follow G.O.Ms.No.223, Rural Development (P3) Department dated 19.12.1994 and G.O.Ms.No.149, Rural Development (P3) Department dated 16.07.1998, he states that the charges are vague as it does not state, which portion of the Government Order has been violated.

17. With respect to charge No.2, Mr.N.Subramani points out that an amount of Rs.3,98,400/- has been spent, without being recorded in the measurement book or obtaining the approval of the overseer and the Union Engineer before making the expenditure. He states that the agency, engaged by the Panchayat for removal of garbage, was one M/s.Ragavendar Reclamation Recycles, which had to remove the garbage from the dumping sites and transport the same to the dumping yard.

18. Initially, the President sought time to produce records and thereafter, did so by producing Union overseer certificate dated 03.01.2023. He states that there is no rule to maintain M-book or taking signatures of the engineer with respect to garbage. In any event, it is not a willful omission or commission on his part in order to attract Section 205(1).



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19. On the third charge of incurring expenditure of Rs.18,02,497/- towards water supply maintenance, which had been incurred, without proper recording in the measurement book, Mr.N.Subramani states that the same was recorded in the book maintained by the Union Overseer and Panchayat Union and duly certified by the Assistant Engineer of the Panchayat Union and by the overseer on 06.01.2022. He points out that the allegation that there were no complaint as regards the lack of water supply is a false one, since the complaint as regards salty water supply were recorded in the complaint book as complaint Nos.36, 37 and 38 on 13.12.2021. The expenditure was also supported by the resolution of the Panchayat in Item No.13 in its meeting held on 16.11.2021.

20. Yet again, Mr.N.Subramani pointed out that the allegation that the Government Order was not complied with, is vague and cannot be a ground to punish the petitioner. He points out that as to how he has violated the Government Order has not been stated in the Show Cause Notice. In any event, he points out that the District Collector had totally misconstrued the Government Order holding that the expenditure of water supply maintenance should not exceed 20% of the House Tax collection. Referring to G.O.Ms.No.260, Rural Development Department dated 09.12.1998, he points out that the Government had directed that not less than 20% of the revenues collected from house tax should be spent on water supply maintenance. Instead of reading it as 20% as the minimum limit for the



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expenditure, he points out that the District Collector had read it as the maximum limit of expenditure, reflecting non-application of mind.

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21. Insofar as charge No.4 is concerned, for the expenditure that the Panchayat had incurred to a tune of Rs.99,900/- for the maintenance of Bus Shelter without the same being recorded in the measurement book, Mr.N.Subramani points out that the same had been approved by the Panchayat Resolution No.78 dated 15.02.2022 and had been duly certified by the Engineer of the Panchayat Union.

22. With respect to charge No.5 that no notice had been issued for the meeting held on 06.01.2023 and 02.03.2023 is concerned, Mr.N.Subramani invites my attention to Rule 7 of the Panchayat Rules issued by the Government in G.O.Ms.No.167, Rural Development Department (C4) dated 09.08.1999 to urge that the rule contemplates personal service and it had been the practice in the Panchayat to inform the ward members about the meeting in person. The petitioner had followed the practice and put each of the ward members on notice about the meeting personally. Hence, there has been no infraction of the aforesaid rule.

23. Leading me to the impugned order, he points out that after reiterating the charges, the District Collector straight away concluded that the charges had been proved. None of the explanations of the petitioner were even considered. Mr.N.Subramani states that the impugned order speaks

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about non-holding of the improper meeting held on 05.12.2024 and 25.02.2025, when they were not the subject matter of the show cause notice. Hence, he pleads that the impugned order deserves to be set aside on the following grounds:

(i) Non application of mind by the District Collector to the explanation given by the petitioner;

(ii) The petitioner had given point-by-point rebuttal to the charges levied against him.

(iii) The District Collector had relied upon fresh charges, which were not the subject matter of the show cause notice and thereby, reflected the pre-determined mind to remove him from his office.

(iv) The District Collector ought to have been careful, while exercising the power under Section 205, when the petitioner is directly elected by the public and the order removing him shakes the foundation of the democratic process in the Panchayat governance.

(v) The action of the District Collector violates Article 14 of the Constitution of India as it is arbitrary and capricious. The order is riddled with mistake of facts and has violated Section 205 in all.

Hence, he pleads that the writ petition should be allowed and the impugned order should be quashed.

24. In response, Mr.J.Ravindran, learned Additional Advocate General submitted as follows:



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(i) Against the impugned order, a remedy by way of revision is available under Section 219 of the Panchayats Act and hence, this writ petition is not maintainable.

(ii) As the procedural requirements of Section 205 have been followed, this court should not interfere with the impugned order.

25. His plea being that interference under Article 226 of the Constitution of India is permitted only if step-by-step procedure contemplated under the said provision is violated. He urged that admittedly in this case, there is no violation of procedure and therefore, interference is not permitted.

26. Expanding on this submission, he urged that the writ petition seeks for issuance of writ of certiorari. This court should not issue a writ examining the merits of the decision but should confine itself to the decision making process. His last submission being that the petitioner has admitted the charges and hence, he is estopped from urging otherwise in this writ petition.

27. Referring me to the typed set of papers filed by him, he pointed out that the District Collector received a complaint from ward members of the Mambakkam Panchayat. He directed the Assistant Director (Panchayats) to conduct an enquiry. The Assistant Director (Panchayats) conducted an enquiry and submitted a report on 13.04.2023. On the basis of this report,

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the Collector called upon the petitioner to give his explanation to five specific charges. This was on 04.05.2023. The petitioner gave his reply on 22.05.2023 to each of the charges.

28. Mr.J.Ravindran, learned Additional Advocate General points out that for charge Nos.1, 2 and 3, the petitioner had accepted the allegations. He points out that in the conclusion portion of the explanation, the petitioner requested the District Collector to drop the proceedings. A month later, i.e., on 19.06.2023, the District Collector caused an enquiry to be conducted by the Assistant Director (Panchayats), who found certain discrepancies to the tune of Rs.98,58,374/-. The Assistant Director had framed five charges. The District Collector on 26.07.2023 recorded these charges and issued a notice under Section 203 of the Panchayats Act. On the same day, i.e., on 26.07.2023, the petitioner was issued another notice under 203 and Section 205(1) in the show cause notice. By a response received on 17.08.2023, the petitioner gave his explanation charge-by-charge.

29. The Collector, having received the explanation, was not satisfied with the same and consequently, directed the Tahsildar, Vandalur Taluk, Chengalpattu District to conduct a meeting strictly in accordance with Sections 205(3) to 205(10) of the Panchayats Act. Consequent to this direction, the Tahsildar issued a notice to all the ward members and



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conducted the meeting on 09.10.2024. In the meeting, resolution of no-confidence was passed by the majority.

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30. Having received the report of the meeting from the Tahsildar, the District Collector gave further opportunity to the petitioner to give his explanation by his letter dated 30.10.2024. Having received this letter, the petitioner gave his response on 15.11.2024.

31. Learned Additional Advocate General pointed out that pending the show cause notice, two meetings came to be conducted, in which the petitioner alone signed the Minutes and there was no signature of the ward members. The same was the situation of the meeting held on 05.12.2024 and 25.02.2025.

32. Yet again, the District Collector by his proceeding dated 17.04.2025 directed the Assistant Director (Audit), Chengalpattu to conduct an enquiry and to submit a report. Accordingly, he conducted an enquiry and submitted a report on 21.04.2025 finding that the five charges framed against the petitioner were proved. The Assistant Director also stated that the explanation offered by the petitioner be rejected.

33. The Additional Advocate General pointed out that after referring to all the proceedings commencing from 10.04.2023 till the report submitted by the Assistant Director (Audit) dated 21.04.2025, the Collector passed an



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impugned order running into several pages. He states that the District Collector had taken several efforts possible to comply with the procedure contemplated under Section 205 and in fact, had been gone one step further and call for a report from the Assistant Director (Audit), though such a procedure is not contemplated under Section 205.

34. Learned Additional Advocate General states that the plea of the petitioner that further enquiry report conducted by the Assistant Director (Audit) was not served is untenable, because it had been done for the satisfaction of the District Collector and at best, it is an internal communication between one officer and another in order to get inputs from the ground. Furthermore, he points out that it is not a new set of allegations but a reiteration of the allegations found in the show cause notice that the meeting was not properly held on 06.01.2023 and 02.03.2023.

35. By way of response, Mr.N.Subramani pleaded that the jurisdiction of the court is not as restricted as pleaded by the learned Additional Advocate General. He states that this court has the jurisdiction to see whether any prudent person would have arrived at a conclusion that the District Collector has. He points out that the records relied upon by the District Collector for passing the impugned order are improper and the charge relating to house tax relying upon G.O.Ms.No.109 is a patent result of non application of mind. He states that when the charges are false, it



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should shock the conscience of this Court and hence, petition under Article

226 is maintainable.

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36. Mr.N.Subramani reiterated the contention that the basis of the Section 205 proceedings should be a willful lapse, and as there is no willful lapse and a mere oversight, a democratically elected person should not be unseated at the whims and fancies of the District Collector. He states that once the charges are flawed, the entire proceedings falls to the ground. Finally, he points out that as stated by him in his response to the District Collector on 22.05.2023, the petitioner had sent the notices for the meeting through registered post with acknowledgment due and it was the members, who did not participate in the same. For the fault of the members, the petitioner cannot be visited with an order of removal. He states that no records have been produced to substantiate the charges of violation of the Government Order and hence, there is no necessity to response to that submission.

37. I have considered the submissions of both sides and gone through the records.

38. Since the plea of alternate remedy has been projected by Mr.J.Ravindran, I will deal with the said objection before proceeding to the merits of the case. It cannot be disputed that under Section 219 of the Panchayats Act, the State Government is vested with the power to interfere

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with an order passed under Section 205 of the Act. It is the plea of Mr.J.Ravindran, that this provision should persuade this court to dismiss the writ petition and direct the petitioner to avail the remedy available under the said provision. This plea is rejected by Mr.N.Subramani pleading that as there is a violation of principles of natural justice and since the alternate remedy is not efficacious as the petitioner belongs to a party which is not in the ruling dispensation, the writ petition is maintainable.

39. It is beyond cavil that the existence of alternate remedy is not an absolute bar to the maintainability of a writ petition. The Supreme Court and this court have consistently held that the constitutional courts can exercise its jurisdiction to issue writs under Article 226 of the Constitution of India, when the following situations are presented:

- (i) enforcement of fundamental rights;
- (ii) violation of principles of natural justice;
- (iii) lack of jurisdiction;
- (iv) challenging the vires of a statute;
- (v) cases involving pure question of law; and
- (vi) when the remedy is ineffective/inadequate.

40. One of the grounds urged by the petitioner is that the impugned order had come to be passed by the District Collector relying upon fresh charges, which were not the subject matter of the show cause notice. This plea, if accepted, would show the order is in breach of natural justice.



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Hence, I am of the view that the case falls within one of the exceptions pointed out by the Supreme Court and this Court for exercising power under Article 226 of the Constitution of India. Therefore, this Court is going into the merits of the case.

41. The proceedings impugned before this court are one invoking Section 205 of the Tamil Nadu Panchayats Act of 1994. Exercising this power, the first respondent, Inspector of Panchayats, has removed the petitioner from the post of President. As to how this power is to be exercised has been settled by a Full Bench of this Court in ***District Collector and Inspector of District Panchayat, Villupuram District and another v. Devi Parasuraman and another, (2009) 4 CTC 609*** and in ***The State of Tamil Nadu and another v. S.Ramasamy (2011) 5 CTC 197 (DB)***.

42. The Full Bench had summarised its views as follows:

(i) The act of the Inspector under Section 205 is quasi-judicial in nature;

(ii) If the Inspector is satisfied with the explanations submitted by the President under Section 205, he is required to record his satisfaction to drop proceedings;

(iii) If the Inspector differs with the views expressed by the Village Panchayat and decides to remove the President or to drop the proceedings against the President, he is not only required to record the reasons for differing with the view of the Village Panchayat, but before taking any

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decision to remove the President, the Inspector is also required to provide further notice to the President intimating the reasons for difference and can issue a notification only on consideration of cause, if any, shown by the President.

43. The Bench also pointed out that the order passed under Section 205 results in drastic civil consequences. If a person is removed in exercise of the said provision, he would be ineligible for election as President, until the date on which notice of the next ordinary election of the Village Panchayat is published or the expiry of one year from the date specified in such notification as postponed by the order unless the order has been set aside by the Government. The Bench directed that the Inspector of Panchayat has to evaluate the entire materials, including the views expressed by the members of the Panchayat, on the particular misconduct alleged against the President. The order removing the President should contain reasons, which actually prompted, the Inspector to take the decision. It cautioned against casual exercise in the power, since if elected members are removed from the public office, it would shake the confidence of the common man in the very system, and, the concept of local self-governance would lose its signification.

44. The Bench also took note that the Panchayats are constituted by Constitution by 73rd Amendment Act, 1992, under Part IX of the Constitution of India and any provision, which seeks to take away the



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administration from the hands of the elected representatives, should be interpreted in a strict manner.

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45. The Supreme Court in ***Ravi Yashwant Bhoir v. District Collector, Raigad and Others, (2012) 4 SCC 407*** pointed out that an elected official of the local self-Government is to be put on a higher pedestal than a Government servant, and therefore, for his or her removal, a stringent procedure and standard of proof is required.

46. The key principles, which arose out of the judgments referred to above, are

(i) That the decision of the voters in electing a representatives like a President of the Panchayat is Supreme and should not be easily set aside or interfered with lightly;

(ii) That the power vested with the Inspector of Panchayat to remove an elected President is a drastic measure and such power should be exercised in exceptional and compelling circumstances and not for flimsy reasons;

(iii) That while exercising the said power, it is mandatory on part of the District Collector to follow the principles of natural justice and afford a fair opportunity to the elected official/President to present his or her case;

(iv) That a facet of the aforesaid principle is that the order of the District Collector should be a reasoned one, which has properly considered,



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the explanations given in response to the Show Cause Notice that has been issued to the President.

Keeping these principles in mind, this Court will now approach the facts of the present case.

47. A perusal of Section 205 shows that it is mandatory upon the District Collector to issue a show cause notice. A show cause notice issued by the authority to an office bearer under the Panchayats Act calls upon him to explain or justify the action proposed to be taken against him, and to state why adverse or punitive action should not be taken against him. A show cause notice is founded on one of the fundamental principles of law, namely, *audi alteram partem*. So that no office bearer is condemned or penalised with removal from office without giving a fair opportunity to represent his or her case.

48. By seeking an explanation under Section 205, the District Collector statutorily notifies the office bearer, the specific allegations that had been made against him, the breaches or misconduct that had been committed by him and calls upon him to state whether he has any satisfactory response to the same. By giving a response, the recipient clarifies and, if possible, correct the situation, so as to ensure resolution of the dispute at the earliest available opportunity.



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49. The District Collector, while exercising quasi-judicial power, must treat the issuance of the show cause notice as the first and most critical step, prior to exercising the power under Section 205. While issuing the notice, he defines the scope of actions that has been proposed. This ensures that the decision-making process at the hands of the District Collector is fair and transparent and thereby, in compliance with Article 14 of the Constitution of India. It is only when the final order passed considers the charges that have been investigated and proved during the course of enquiry, can it be said to be in line with the show cause notice and the procedure followed thereafter. In case, the impugned order exceeds the allegation made in the show cause notice, then the order cannot be said to be in compliance with the principles of natural justice.

50. The charges that were laid against the petitioner and his explanations have already been extracted above. The District Collector in addition to these charges, had added two new charges, namely, of not holding a meeting in a proper manner on 05.12.2024 and 25.02.2025. This shows that the District Collector had found the writ petitioner guilty of matters for which he was not even put on notice. If the District Collector was of the opinion that the meeting held on 05.12.2024 and 25.02.2025 was not held in a proper manner, then nothing prevented him from giving a fresh show cause notice on these charges to the petitioner and eliciting his response.



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51. To rely upon matters which are not been found in the show cause notice is *ex facie* in violation of principles of natural justice. When new grounds are used for the purpose of passing an impugned order and the same are absent in the show cause notice, the Supreme Court has held that the proceedings initiated has to fail. (See, **Commissioner of Customs, Mumbai v. M/s.Toyo Engineering India Limited, 2006 INSC 571**) (para 16). This view has been reiterated by the Delhi High Court in **M/s.APN Sales and Marketing v. Union of India and others, 2024 (7) TMI 1346**. Hence the first infirmity that the order suffers from is that the impugned order has gone beyond the show cause notice.

52. If this court were to ignore the aspect of the additions made in the impugned order and not found in the show cause notice, even then, the impugned order cannot be sustained for the reasons set forth below.

53. It has now been established by several authorities that an authority exercising the power which results in penal consequences, has to substantiate the conclusion by giving reasons. Reasons, as is oft repeated, are the heart beat of an order. If an order lacks reasons, then the order is still-born. Law demands that an authority should give reasons in order to ensure transparency, prevent arbitrariness, and also to ensure that a proper judicial review can be made of the order impugned.



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54. I rely upon a few judgments of the Supreme Court in order to support this conclusion. The earliest of the case is ***Bhagat Raja v. Union of India and Others, AIR 1967 SC 1606***. The Supreme Court was dealing with the situation of rejection of a mining lease by the State Government and confirmation thereof by the Central Government in exercise of its revisional powers under the Mines and Minerals (Regulation and Development) Act of 1957. The order passed by the Central Government did not provide any reasons. The Supreme Court set aside the order of the Central Government holding that the authorities exercising quasi-judicial powers must provide reasons for their decision. Providing reasons were deemed to be a principle of natural justice which enhances accountability and fairness.

55. Three years after this judgment, the court was yet again presented with the same issue in ***Mahabir Prasad Santosh Kumar v. State of Uttar Pradesh and Others, AIR 1970 SC 1302***. In this judgment, the Supreme Court settled the principle that in administrative law, quasi-judicial and appellate authorities must provide clear, recorded and communicated reasons for their decisions. The appellants before the Supreme Court were licensed sugar and flour dealers. Their licences were cancelled by the District Magistrate of Fatehpur for certain alleged irregularities. The order of cancellation was without any reason. The dealer filed an appeal before the State Government. The State Government rejected the appeal and the order of rejection did not contain any reasons either. Challenging the same, writ

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petitions were presented before the Allahabad High Court. The High Court dismissed the petitions, holding that under the relevant licensing order, there was no necessity for the State Government to afford any reason for its order. Aggrieved by the same, the parties approached the Supreme Court. The Supreme Court reversed the order of the High Court and quashed the orders of the District Magistrate and of the State Government holding that quasi-judicial proceedings implicitly demand furnishing reasons in support of the orders.

56. The view taken in **Bhagat Raja's** case and **Mahabir Prasad's** case was affirmed by the Supreme Court in **S.N.Mukherjee v Union of India, AIR 1990 SC 1984**. The petitioner, Mr.S.N.Mukherjee was a Captain in the Indian Army. He was officiating as a Major. During the course of his service, he was charged with financial misconduct involving discrepancies in contingent bill submitted at the Military Hospital at Jhansi. A General Court Martial was instituted. It found him guilty as charged and passed an order dismissing him from service.

57. Aggrieved by the said order, Mr.S.N.Mukherjee preferred a petition to the Chief of Army Staff praying for non-confirmation of the sentence. This petition was rejected. After the confirmation of sentence, Mr.S.N.Mukherjee appealed to the Central Government. That too, was dismissed. Aggrieved by the same, he approached the Supreme Court. The court held that the



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administrative authorities performing judicial or quasi-judicial functions must record reasons for their decisions, unless specifically exempted.

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58. The consistent view of the Supreme Court, which has been affirmed in ***Kranti Associates Private Limited and Another v. Masood Ahmed Khan and Others, (2010) 9 SCC 496***, is that quasi-judicial authorities must provide reasons, as this requirement upholds the time honoured principle of "justice must not only be done but, it must also appear to have been done".

59. A perusal of the present impugned order shows that the District Collector had set forth, in a tabular column, the charges against the petitioner and the response given by him. Thereafter, without any discussion as to whether the explanations are satisfactory or deserve rejection, and without giving the reason for rejecting the same, he has straight away passed the impugned order.

60. Though the order runs into several pages, no reasons have been set forth as to why the District Collector came to a conclusion for exercising the power of removal under Section 205. Extraction of facts and immediately giving the conclusion without the limb of reasons joining that too, cannot be held as satisfying the requirements of a duty to furnish reasons.



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61. Though Mr.N.Subramani wanted me to go into the merits of the charges and the explanations given by him, I am not inclined to do the said exercise in this proceeding, since I have found that the order suffers from the vices of violation of principles of natural justice. When the Court comes to a conclusion that the order violates the principles of natural justice, the settled procedure that has been followed by the constitutional court is to set aside the order and restore the proceedings on to the file of the authority so as to enable that authority to re-do the said exercise.

62. In the light of the aforesaid discussion, the writ petition stands allowed. The impugned orders are set aside. The proceeding initiated against the writ petitioner under Section 205 stands restored on to the file of the first respondent. The first respondent need not initiate de novo proceedings. He shall peruse the records afresh and hear the petitioner on his explanation and pass appropriate orders. No costs. Consequently, the connected miscellaneous petition is closed.

06.03.2026

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To

- 1.The District Collector cum Inspector of Panchayats,
O/o. District Collectorate,
Chengalpattu District.
- 2.The Assistant Director of Panchayats,
Chengalpattu District,
Chengalpattu.
- 3.The Block Development Officer,
Tiruporur Panchayat Union,
Tiruporur,
Chengalpattu District.



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V. LAKSHMINARAYANAN. J,

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06.03.2026