



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-01-2026

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

**WP No. 14816 of 2017 and
WMP No. 16058 of 2017**

V.Shanmugasundaram,
President, Thalavai Palayam,
Panchayat, Karuttupalayam, Samathur
Post, Pollachi Taluk,
Coimbatore District.

Petitioner

Vs

1. The District Collector/
Inspector of Panchayat, Coimbatore
District, Coimbatore..
- 2.The Assistant Director of
Rural Development, Office of Rural
Development Collectorate, Coimbatore.
- 3.The Block Development Officer,
(V.P), Pollachi South Block, Pollachi,
Coimbatore District.
- 4.Thalavaipalayam Panchayat,
Rep. by its Special Officer,
Thalavaipalayam, Pollachi Taluk,
Coimbatore District.

Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying
for issuance of Writ of Certiorari to call for the records relating to the impugned



Order in Na.Ka.No. 125/2017/ A4 dated 17.05.2017, on the file of the Second Respondent, quash the same.

WEB COPY

For Petitioner: Mr.Devaraj

For Respondents: Ms.C.Meera Arumugam
Addl. Govt. Pleader (For R1 and R2)

ORDER

This Writ Petition has been filed challenging the order dated 17.05.2017 passed by the Second Respondent and to quash the same.

2. Heard Mr.Devaraj for the petitioner and Mr.C.Meera Arumugam, learned Additional Government Pleader appearing for the respondents 1 and 2.

3. The petitioner was elected as a President of Thalavaipalayam Panchayat Karuttupalayam, Samathur Post, Pollachi Taluk, Coimbatore District. While discharging his functions as a President, proceedings were initiated against him under Section 205(1) of the Tamil Nadu Panchayat Act, 1994. The petitioner challenged the same by way of Writ Petition in W.P.No.17582 of 2013 before this court and the said Writ Petition was disposed of by an order dated 25.11.2013, directing the petitioner to submit his objections to the allegations made against him with a further direction to the 1st respondent to pass orders. The petitioner had submitted his explanation on 06.12.2013. The same was



received on 23.12.2013. Subsequently, the impugned order seems to have been passed by the 2nd respondent, mulcting him with liability to the tune of Rs.2,06,461/-. Challenging the same, the present writ petition has been filed.

4. The grievance of the writ petitioner is that he was neither heard nor were his objections considered by the 2nd respondent while passing the impugned order.

5. A perusal of the order impugned herein shows that the 2nd respondent had only referred to three G.O.'s and the order of the District Collector dated 10.12.2013 and straight away allowed the surcharge proceedings. Prior to passing of the order, he had neither heard the petitioner nor had he considered the written objections filed by him. The petitioner raised his specific objection in paragraph 7 ground (A). To the said Affidavit, the then District Collector had filed the counter on 02.02.2018. The counter affidavit also does not disclose that the petitioner's objections were considered, he was heard and thereafter orders were passed. The only plea raised by the District Collector is that as against the Impugned Order Appeal lies and hence the writ petition is not maintainable.

5. It is settled position of law, when there is violation of principles of natural justice, a writ petition is certainly maintainable. The petitioner is neither



been heard nor his objections been considered. Hence, I am not inclined to dismiss the writ petition on the ground of availability of alternative remedy.

Furthermore, this Court had entertained the Writ Petition and issued rule Nisi for the same. It has been the practice of this Court that once the Writ Petition is entertained, the petitioner must not be non-suited, on the ground of alternative remedy. Hence, on both these grounds, the plea of Ms.Meera Arumugham that alternative remedy is available is rejected.

6. As the petitioner has not been heard, the impugned order is set aside. The matter is restored on to the file of the 2nd respondent. The 2nd respondent shall issue a notice of hearing to the petitioner afresh, consider his objections and thereafter pass a detailed reasoned order.

In the result, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

07-01-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
arr



WEB COPY

To

- 1.The District Collector/
Inspector of Panchayat, Coimbatore
District, Coimbatore.
- 2.The Assistant Director of
Rural Development, Office of Rural
Development Collectorate, Coimbatore.
- 3.The Block Development Officer,
(V.P), Pollachi South Block, pollachi,
Coimbatore District.
- 4.Thalavaipalayam panchayat, rep
by its Special Officer, thalavaipalayam,
pollachi Taluk, Coimbatore District.



WEB COPY

WP No. 14816 of 2017



V.LAKSHMINARAYANAN,J.

arr

**WP No. 14816 of 2017
and WMP NO. 16058 OF
2017**

07-01-2026