

W.P.(MD).No.10225 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **27.04.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **C.V. KARTHIKEYAN**

W.P.(MD).No.10225 of 2023
and W.M.P(MD).No.9083 of 2023

Annalakshmi

... Petitioner

Vs.

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The Assistant Director of Panchayat,
Tenkasi,
Tenkasi District.

3.The Block Development Officer (Village Panchayat),
Tenkasi,
Tenkasi District.

4.The Engineer,
Pattakurichi Panchayat,
Panchayat Union Office,
Tenkasi District.

5.The Panchayat Union Supervisor (Overseer),
Pattakurichi Panchayat,
Tenkasi District.

6.Murugesan

...Respondents



W.P.(MD).No.10225 of 2023

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records pertaining to the impugned order in Na.Ka.No.COLRD/1732/2022/A6, dated 19.04.2023 passed by the first respondent and quash the same.

For Petitioner : Mr.R.Murugappan

For Respondents : M/s.D.Farjana Ghoushia
Special Government Pleader
for R1, R2, R4 and R5
Mr.M.Senthil Ayyanar
Government Advocate for R3

ORDER

This Writ Petition has been filed in the nature of Certiorari, seeking records relating to an order passed in Na.Ka.No.COLRD/1732/2022/A6, dated 19.04.2023, by the first respondent and quash the same.

2. The petitioner is the President of Pattakurichi Village Panchayat, Tenkasi Taluk and District. The said Panchayat consists of six ward members. The sixth respondent is the Vice President. He is a close relative to the petitioner. There have been continuous disputes between the petitioner in her capacity as President and the sixth respondent in his capacity as Vice President.



W.P.(MD).No.10225 of 2023

WEB COPY

3. There could be differences within the family. However, they have to be kept aside and the elected representatives must work for the benefit of the villagers. Unfortunately, they did not do, so either as the President or as the Vice President.

4. A perusal of the impugned order shows that even basic amenities have not been provided to the villagers. There have been complaints that necessary works have not been carried out at all. It is to be noted that there was a meeting conducted in this connection and an enquiry was conducted on 30.03.2023.

5. The main ground on which the learned counsel appearing for the petitioner questions the impugned order is that the petitioner was not put on notice. However, in the impugned order, it had been stated that the petitioner had been put on notice and the meeting was conducted. The petitioner and the sixth respondent were also present. Section 203 of the Tamil Nadu Panchayats Act is as follows:-

*203. Emergency powers of Collector and Inspector.-
Subject to such control as may be prescribed, the Inspector*



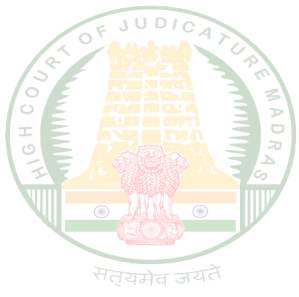
WEB COPY



W.P.(MD).No.10225 of 2023

or the Collector may, in cases of emergency, direct or provide for the execution of any work, or the doing of any act which a Panchayat or Executive Authority or Commissioner or 1 [Secretary] is empowered to execute or do and the immediate execution or doing of which is in his opinion necessary for the safety of the public and may direct that the expense of executing such work or doing such act shall be paid by the person having the custody of the Village Panchayat Fund or the Panchayat Union (General) Fund or the District Panchayat (General) Fund in priority to any other charges against such Fund except charges for the service of authorised loans.

6. This gives the authority to the Collector, who is the Inspector of Panchayats, for the purpose of execution of any work or doing of any act which the Panchayat should have executed and which had not been done, to direct that such expenses shall be paid by the person having the custody of the Village Panchayat Fund. The impugned order had been passed exercising the authority granted under Section 203 of the Tamil Nadu Panchayats Act, 1994.



W.P.(MD).No.10225 of 2023

WEB COPY

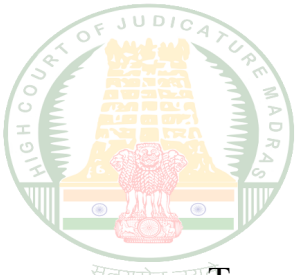
7. The learned counsel appearing for the petitioner stated that the petitioner has filed yet another writ petition questioning the authority of the sixth respondent to continue as Vice President and that this Court directed notice in the said writ petition. But this writ petition has been independently filed questioning the order of the Inspector of Panchayats.

8. The impugned order does not suffer from any infirmity. There was an enquiry conducted. Since the President and the Vice President only spread animosity within the Panchayat, the District Collector, as the Inspector of Panchayats, has every right to step in and pass necessary orders rectifying such attitude. Hence, I find no merit in the writ petition.

9. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

27.04.2023

Index: Yes/No
Internet: Yes/No
ssb



W.P.(MD).No.10225 of 2023

To
WEB COPY

1. The District Collector,
Tenkasi District,
Tenkasi.
2. The Assistant Director of Panchayat,
Tenkasi,
Tenkasi District.
3. The Block Development Officer (Village Panchayat),
Tenkasi,
Tenkasi District.
4. The Engineer,
Pattakurichi Panchayat,
Panchayat Union Office,
Tenkasi District.
5. The Panchayat Union Supervisor (Overseer),
Pattakurichi Panchayat,
Tenkasi District.



WEB COPY



W.P.(MD).No.10225 of 2023

C.V. KARTHIKEYAN, J.

ssb

W.P.(MD).No.10225 of 2023

27.04.2023