

(2011) 10 MAD CK 0121

In the Madras High Court

Case No : Writ Petition (MD) No. 6714 of 2011

S. Arokia Jency

APPELLANT

Vs

The District Collector, Dindigul District, Dindigul and Others

RESPONDENT

Date of Decision : 13-10-2011

Acts Referred:

Citation : (2011) 10 MAD CK 0121

Hon'ble Judges : K. Chandru, J

Bench : Single Bench

Advocate : K.P. Narayanakumar, for the Appellant; S. Kumar, Additional Government Pleader for Respondents 1-3 and Mr. R. Anand for 5th Respondent, for the Respondent

Final Decision : Dismissed

Judgement

Honourable Mr. Justice K. Chandru

1. The petitioner is aggrieved by the appointment of the fifth respondent as a Panchayat Clerk. According to the petitioner, the third respondent (who is also named as fourth respondent in his individual capacity) has forged the resolution of the Madoor Village Panchayat and appointed the fifth respondent. In view of the said forged appointment, even the village people aggrieved and have sent complaints and therefore, he has come forward with the present writ petition seeking to set aside the resolution of the panchayat, dated 15.10.2010 and after setting aside the consequential appointment of the fifth respondent seeks for a direction to appoint him as panchayat clerk in the third respondent panchayat.

2. When the matter came up on 27.06.2011, this Court private notice directed to be issued to the respondents. Accordingly, notices have been served on all the respondents and for the fifth respondent counsel appears.

3. It is not clear as to how the present writ petition is maintainable especially when the allegation to the resolution dated 15.10.2010 of the panchayat was alleged to be forged resolution which is created by the fourth respondent only to

appoint the fifth respondent and if the petitioner's allegation is true, then the remedy open to the petitioner is to move the Inspector of Panchayats (the District Collector) the first respondent herein. Under the provisions of the Tamil Nadu Panchayats Act, the Inspector has vide power to suspend, cancel any resolution passed or order issued by any panchayat and for the purpose of passing such order, the Collector can make such enquiry as if it is necessary.

4. When a specific statutory power is given under the provisions of the Tamil Nadu Panchayats Act, there is no question of the petitioner alleging that a particular resolution forged one and therefore, the resultant beneficiary ought not to have hold the post of panchayat clerk.

5. In the light of the very effective alternative remedy is available to the petitioner, this Court is not inclined to entertain the writ petition. Hence, the writ petition stands dismissed. However, the dismissal of the writ petition will not disentitle the petitioner from moving the appropriate authority in the manner known to law. If the petitioner makes such representation along with a copy of this order, within two weeks from the date of receipt of a copy of this order, the first respondent shall enquire into the same and pass appropriate orders in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.