

T. V. R. V. Radhakrishnana Chettiar and Others

Vs

State of Tamil Nadu

Civil Appeals Nos. 137-138 of 1973

(CJI A. N.Ray, K. K. Mathew JJ )

08.08.1974

JUDGMENT

RAY, C.J. -

1. These two appeals are by special leave from the judgment dated July 4, 1972 of the High Court of Madras.
2. The appellants asked for a writ of certiorari to quash the orders of the Local Administration Department dated April 14, 1972.
3. On November 9, 1971 the State Government gave a notice under Section 125 of the Tamil Nadu Panchayat Act hereinafter referred to as the Act calling upon Batlagundu Panchayat Union Council to show cause why it should not be dissolved for one year with effect from December 16, 1971. The appellants filed a petition under Article 226 of the Constitution in the High Court of Madras to quash the said order. The High Court on December 4, 1971 dismissed the petition. The Government thereafter gave notice dated January 24, 1972 to the State Government under Section 155 of the Act calling upon the Panchayat Union Council to show cause why it should not be dissolved as mentioned in the notice dated November 9, 1971. The appellants submitted their explanation. Thereafter on April 14, 1972 the State Government dissolved the Panchayat Union Council. This appeal is against the order.
4. The appellants questioned the legality of the order in the High Court of Madras in an application under Article 226. During the pendency of the application on May 2, 1972 a meeting of Panchayat Union Council was convened under the direction of the High Court. The Panchayat Union Council passed the resolution accepting the proposal of the Government for the dissolution of the Panchayat. Twelve persons voted in favour of the resolution and 7 against the resolution of the dissolution of the Panchayat.
5. On July 4, 1972 the High Court dismissed the petition.
6. In the notice calling upon the Panchayat Union Council to show cause as to why it should not be dissolved it was recited that the administration of the Union Council was paralysed because of the deadlock created by the member of the said Panchayat Union Council. The State Government was of the opinion that the Union Council was persistently making default in performing the duties imposed on it by law. First, it was alleged that the Panchayat Union Council refused to pass the Revised Estimates for 1970-71 and the Budget Estimates for 1971-72, brought before the Council at its meeting held on February 12, 1971. The second ground was that under Section 47(1) of the Act

not more than sixty days should elapse between one meeting and another. There were two spells, one between February 12, 1971 and May 7, 1971 and the other between May 7, 1971 and July 9, 1971 when the meeting was not convened over after the lapse of sixty days. The third ground was that the Council did not allow any of the subjects brought before it at the meeting held on May 7, 1971 and July 9, 1971 to be passed.

7. The High Court did not accept the appellants contention that the order was made mala fide to remove the appellants from the office of the Chairman.

8. The only contention which was advanced here was that the appellant (sic appellants) had not been given copies of the report of the Collector dated September 29, 1971 and the report of the Director of Rural Development dated November 8, 1971. The High Court said that the substance of the reports was given in the form of grounds in the show cause notice and the appellants (sic) was called upon the answer the same. Furthermore, it appears that the three grounds related to facts as to whether the budgets were passed, whether meetings were called and whether subjects brought before the meeting were allowed to be passed. These three grounds on which the appellants were asked to show cause were question of fact. The reports which the appellants asked for had nothing to do with any of the grounds. The appellants were not asked to give any explanation in respect of any report.

9. The High Court rightly dismissed the appeals. Therefore these appeals fail and are dismissed. Parties will pay and bear their own costs.

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