

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C) .No. 29547 of 2014 (P)

PETITIONER(S) :-

1. MANOJ G., ADVOCATE, MANOJNA, VAKKOM P.O.
THIRUVANANTHAPURAM-695 308.
2. SASIDHARAN,
KONAVILAKAM, VAKKOM P.O., THIRUVANANTHAPURAM-695 308.
3. SUSEELA A.
NEDIYAVLA, VAKKOM P.O., THIRUVANANTHAPURAM.
4. SUSEELA N., PRIYADARSHINI, VAKKOM P.O.
THIRUVANANTHAPURAM-695 308.
5. SASIDHARAN R.
KOCHUTHAYIL HOUSE, VAKKOM P.O., THIRUVANANTHAPURAM.
6. RAJENDRAN K., CHIRATTA, MANACKAD, VAKKOM P.O.
THIRUVANANTHAPURAM.
7. AJAYAKUMAR D.
SARASWATHI MANDIRAM, VAKKOM P.O., THIRUVANANTHAPURAM.
8. PRASANNA K.
KAKKOD, VAKKOM P.O., THIRUVANANTHAPURAM-695 308.
9. SHARAFFUDHIN, SHINE MANZIL, KOCHUTHIE, VAKKOM P.O.
THIRUVANANTHAPURAM-695 308.

BY ADVS.SRI.SURIN GEORGE IPE
SRI.M.V.BIPIN

RESPONDENT(S) :-

1. THE STATE OF KERALA REPRESENTED BY ITS
PRINCIPAL SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. DIRECTOR OF PANCHAYAT, PUBLIC OFFICE BUILDING,
VIKAS BHAVAN POST, THIRUVANANTHAPURAM-695 001.
3. DIRECTOR, LOCAL FUND AUDIT, VIKAS BHAVAN POST
THIRUVANANTHAPURAM-695 033.
4. VAKKOM GRAMA PANCHAYAT, VAKKOM P.O.,
THIRUVANANTHAPURAM-695 308,
REPRESENTED BY ITS SECRETARY.

R4 BY ADV. SRI.VAKKOM N.VIJAYAN
SMT.V.RENJU
SRI.P.ANIYAN
BY GOVERNMENT PLEADER SRI.THOMAS JOHN AMBOOKAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
15-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1 : COPY OF THE AUDIT OFFICERS LETTER DIRECTING FOR RECOVERY
DTD.4.8.2014.

EXT.P2 : COPY OF THE DETAILED STATEMENT OF REPLY SUBMITTED BY THE
SECRETARY OF THE 4TH RESPONDENT PANCHAYAT TO THE 3RD RESPONDENT.

EXT.P3 : COPY OF THE NOTICE ISSUED TO THE 1ST PETITIONER
DTD.31.10.2014 BY THE 4TH RESPONDENT.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

A.M. SHAFFIQUE, J.

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**W.P.(C). No.29547 of 2014**  
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Dated this the 15th day of January 2015

J U D G M E N T

The petitioners challenge Ext.P1, by which, they were called upon to pay an amount of ₹1,26,717/- (₹9,747/- per petitioner, who were the members of the 4th respondent Grama Panchayat Committee, the then Secretary and Agricultural Officer). Ext.P3 is the demand notice issued to one of the petitioners and similar notices were issued to others as well.

2. According to the petitioners, this direction was issued without hearing them.

3. A counter affidavit has been filed by the 4th respondent inter alia stating that the demand has been made based on an audit being conducted by the Legislative Local Fund Audit Committee.

4. Though such demand had been made based on an audit committee's report, the fact remains that the petitioners were not put to notice before imposing such liability on them. The petitioners have to be given an opportunity to explain as

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to why the amount should not be paid by them.

Under such circumstances, Ext.P3 shall be treated as show cause notice and it shall be open for the petitioners to submit a reply within a period of two weeks from the date of receipt of a copy of this judgment. The same shall be considered by the competent authority and appropriate orders shall be passed thereon after hearing the petitioners.

Until such time, any recovery pursuant to Ext.P3 shall be kept in abeyance.

This Writ Petition is disposed of as above.

**Sd/-
A.M. SHAFFIQUE
JUDGE**