

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.11.2016
CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.40618 of 2016

S.Deva

... Petitioner

Vs.

- 1 The Director of Town Panchayats,
Kuralagam,
Chennai - 600 104.
 - 2 The Director of Local Fund Audit,
Kuralagam,
Chennai - 600 104.
 - 3 The Regional Joint Director
Local Fund Audit,
Coimbatore.
 - 4 The Asst. Director of Local Fund Audit,
Erode.
 - 5 The Asst. Director of Town Panchayat
Erode District.
 - 6 The Executive Officer
Modakurichi Town Panchayat,
Erode District.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to forthwith settle the audit objections of the financial years 2012-13 2013-14 and 2014-15 based on the detailed representation together with reply dated 26.10.2016 preferred by the petitioner.

For Petitioner
For Respondents

: Mr.N.Kolandaivelu
: Mr.K.Dhananjayan for R1 to R5
Special Government Pleader
Mr.A.Kumar for R6

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus directing the respondents to forthwith settle the audit objections of the financial years 2012-13 2013-14 and 2014-15 based on the detailed representation together with reply dated 26.10.2016 preferred by the petitioner.

3.In the petition it is stated that the petitioner at the time of retirement was working as Executive Officer in Perunthurai Town Panchayat. The following audit objections were raised for the financial years 2012-13, 2013-14 and 2014-15.

"1)It is stated that when I was working as Executive Officer in Modakurichi Town Panchayat, Erode District, I failed to obtain open space reservation of 10% area when I approved the layout from the lay out owners and the cost of 10% open space reservation area is treated as loss to Town Panchayat.

ii)The other objection is when bore wells were installed, excess amount of Rs.13,225/- (Rupees Thirteen Thousand Two Hundred and Twenty Five Only) was paid to the contractors thereby loss was caused to the Town Panchayat."

4.It is further stated that the layout was approved only after resolution passed by the Town Panchayat Council. If the Government Order in G.O.Ms.No.57 Rural Development Department (C2) dated 03.05.2005 and letter dated 17.07.2012 were brought to the notice of the audit authorities, the said audit objections would have been dropped. Hence, the petitioner preferred a detailed representation together with reply to the audit objections to the respondents, but till date it was not considered. Hence, this petition.

5.Heard the submissions of the learned counsel appearing for the petitioner, the learned Special Government Pleader who takes notice for the respondents 1 to 5 and the learned counsel who takes notice for the sixth respondent.

6.Considering the submissions made on either side and without going into the merits of the case, this Court directs the petitioner to give a copy of the representation dated 26.10.2016, along with a copy of this order to the respondents 4 and 5, within a period of two weeks from the date of receipt of

a copy of this order and the respondents 4 and 5, on receipt of the same are directed to consider the said representation and pass appropriate orders, on merits and in accordance with law, within a period of six weeks thereafter.

7.The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1 The Director of Town Panchayats,
Kuralagam,
Chennai - 600 104.
- 2 The Director of Local Fund Audit,
Kuralagam,
Chennai - 600 104.
- 3 The Regional Joint Director
Local Fund Audit,
Coimbatore.
- 4 The Asst. Director of Local Fund Audit,
Erode.
- 5 The Asst. Director of Town Panchayat
Erode District.
- 6 The Executive Officer
Modakurichi Town Panchayat,
Erode District.

+1 cc to Government Pleader sr 68631
+1 cc to M/s.N.Kolandaivelu Advocate sr 67785
+1 cc to M/s.A.Kumar Advocate sr 67672

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