

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED:05.07.2017

CORAM:

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**W.A. (MD) No.815 of 2017
&
C.M.P. (MD) .No.5668 of 2017**

1. The Secretary,
Rural Development and Panchayat Raj,
Secretariat,
Fort St. George,
Chennai-600 009.
 2. The District Collector,
Theni District,
Theni.
 3. The Project Officer,
District Rural Development Agency (DRDA),
District Collectorate,
Theni.
- ...Appellants/Respondents 1 to 3

Vs.

V.John
S/o.K.Vedamanikam,
Secretary,
Anamalaiyanpatti Rural,
Development Association, (ARDA),
Uthamapalayam,
Theni District.

... Respondent/Writ Petitioner

PRAYER:Writ Appeal is filed under Clause 15 of Letters Patent against the order dated 17.04.2014 passed in W.P.(MD).No.6626 of 2009.

Prayer in WP(MD). 6626/ 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records relating to the order passed by 2nd respondent in Na.Ka.No.1008/2004/ dated 03/07/2009 and quash the same.



For Appellants : Mr.M.Murugan,
Government Advocate.

For Respondent : Mr.M.Subash Babu.

WEB COPY

JUDGMENT

[Judgment of the Court was delivered by **M.M. SUNDRESH, J**]

By the impugned order in the writ petition, the writ petitioner was blacklisted, apart from a direction to pay certain amount. The learned Single Judge was pleased to allow the writ petition holding that though the show cause notice stipulates one allegation, the impugned order refers to few other more. Enquiry report has not been furnished to the petitioner and the averments made in the affidavit filed in support of the writ petition have not been controverted by filing counter affidavit disputing several opportunities given.

2. The learned Government Advocate appearing for the appellants would submit that the respondent was given sufficient opportunities before passing the order impugned and he did not submit the accounts. Blacklisting was ordered on consideration of the relevant materials. Hence, the order passed by the learned single Judge requires interference.

3. The learned counsel appearing for the respondent would support the reasons assigned by the learned Single Judge and hence submits that the appeal will have to be dismissed.

4. Though the show cause notice indicates an allegation few more of them have emerged at the time of passing final order. Copy of the enquiry report as recorded by the learned Single Judge has not been furnished to the respondent. Blacklisting would certainly amount to creation of stigma apart from causing civil consequence. Certainly there appears to be a violation of principles of natural justice.

5. In such view of the matter, we do not find any error warranting interference. Accordingly, this writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/



To

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Theni District,
Theni.
3. The Project Officer,
District Rural Development Agency (DRDA),
District Collectorate,
Theni.

+1cc to M/S. M.SUBASH BABU, Advocate, SR.No.63914.
+1cc to Special Government Pleader, SR.No.63728.

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