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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.11536 of 2017

K.Subbiah

.. Petitioner

Vs.

1.The Director,
O/o.Director of Panchayats,
Kurazhalam, Chennai.

2.The District Collector,
Collectorate, Korampallam,
Thoothukudi District,
Thoothukudi.

3.The Additional Director of Panchayat,
O/o.AD Panchayat,
Collectorate,
Kokirakulam, Tirunelveli,
Tirunelveli District.

4.The Executive Officer,
Panchayat Board,
Udangudi, Thoothukudi District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to conduct an enquiry and take action against the tainted officers based on composite auditing report dated 09.09.2015, 13.10.2016 and undisclosed 25 registers, within stipulated time.

For petitioner : Mr. V.Rajiv Rufus

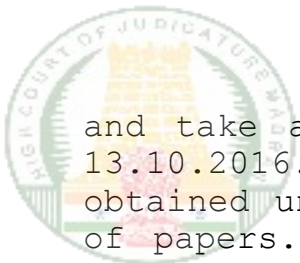
For respondents : Mr.M.Govindan

Special Government Pleader

O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

This writ petition has been filed in public interest. The Writ Petitioner came to know that the officials of Udangudi Panchayat Board had indulged in financial irregularities. He, therefore, invoked the provisions of Right to Information Act 2005 and obtained information. He submitted a representation dated 19.04.2017, to the authorities requesting them to conduct an enquiry



and take action based on the audit reports, dated 09.09.2015 and 13.10.2016. The Writ petitioner has enclosed the information obtained under the Right to Information Act 2005, in the typed set of papers. Since no action was taken, the present writ petition came to be filed.

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2. When the audit report points out the financial irregularities committed by the officials of Udangudi Panchayat Board, it is the duty of the authorities concerned to take follow up action. The audit reports are not meant to be kept in cold storage. If any swindling of public funds is noticed, enquiry must be conducted and if the allegations are true, liability must be fixed. It is, of course, open to the authorities concerned to drop further action, if there is no *prima facie* material. But, the attention of the authorities must be drawn to the contents of the audit report.

3. In this case, the writ petitioner submitted a representation for taking action against the erring officials. This Court, therefore, directs the first respondent to take action on the writ petitioner's representation dated 19.04.2017. The first respondent shall pass orders on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order. The first respondent shall also furnish a copy of the order passed by him to the writ petitioner.

4. The Writ Petition is disposed of with the above direction.
No costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To:

1. The Director,
O/o. Director of Panchayats,
Kurazhalam, Chennai.
 2. The District Collector,
Collectorate, Korampallam, Thoothukudi District,
Thoothukudi.
 3. The Additional Director of Panchayat,
O/o. AD Panchayat,
Collectorate, Kokirakulam, Tirunelveli,
Tirunelveli District.
 4. The Executive Officer,
Panchayat Board, Udangudi,
Thoothukudi District.
- +1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.70993
+1cc to Mr.V.RAJIV RUFUS Advocate in SR. No.70403

KM

JS/GT/SAR.2/29.08.2017/2P-7C

<https://hcservices.ecourts.gov.in/hcservices/>

ORDER MADE IN

W.P. (MD) No.11536 of 2017

04.08.2017