



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

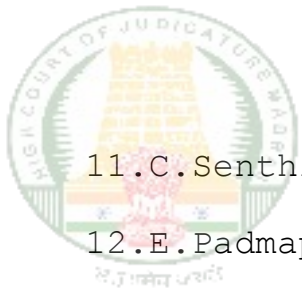
W.P (MD) No.2575 of 2017

Tamil Arasan

.. Petitioner

Vs.

- 1.The State of TamilNadu,
Represented by its Secretary,
Rural Development and
Panchayat Raj Department,
Fort St.George,
Chennai.
- 2.The Director,
Rural Development and Panchayat Raj Department,
Panagal Building,
Chennai-15.
- 3.The State of TamilNadu,
Represented by its Secretary,
Rural Development and Panchayat Raj Department,
Fort St. George,
Chennai-9.
- 4.The District Collector,
Sivagangai District,
Sivagangai.
- 5.The Assistant Director of Rural,
Development (Audit),
Sivagangai.
- 6.The Block Development Officer,
Thirupathur,
Sivagangai District.
- 7.Mr.M.Muthuraman
- 8.Mr.K.Chandirasekar
- 9.A.Chandiran (died)
- 10.Sathiyavani Muthu



11.C.SenthilKumar

12.E.Padmapriya

13.E.Abirami

(R10 to R13 are impleaded

vide Court order dated

21.07.2017 in W.M.P.(MD)No.10614 of 2017)

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondents Nos. 1 to 3 herein to recover the public funds of the Piramanampatti Village to a sum of Rs.60,28,130/- from the Respondent Nos. 5 to 7 as per the provision of the Tamil Nadu Panchayats Act, 1994 complying with the order of this Court in W.P.No.6817 of 2011 dated 29.01.2014, which was misappropriated by the respondent Nos. 5 - 7 during their tenure from 2006 to 2010, within the time period prescribed by this Court.

For petitioner

: Mr.K.K.Ramakrishnan for

V.Muthu kamatchi

For Respondents 1 to 5

: Mr.M.Govindan

Special Government Pleader

For 6th Respondent

:Mr.M.Rajarajan

Government Advocate

For Respondents 7 & 8

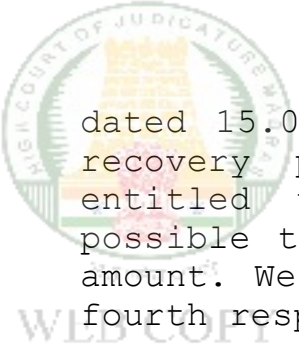
:Mr.R.Suresh Kumar

O R D E R

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

The writ petitioner alleges that the 5th and 6th respondents had misutilised municipal panchayat funds under the National Rural Employment Guarantees Scheme during their term from 2006 to 2010. It is also pointed out that the audit authorities had found the misappropriation committed by the said private respondents. Therefore, the writ petitioner gave representation for initiation of action in terms of the provisions set out under Tamil Nadu Panchayat Act, 1994, and the rules framed there under.

2.When the matter was taken up for disposal, the learned Special Government Pleader pointed out that surcharge proceedings have been initiated. In fact surcharge certificate has been issued by the fifth respondent vide proceedings in Na.Ka.No.A1/82/2010



dated 15.03.2017, to direct the fourth respondent to expedite the recovery proceedings. Of course the private respondents are entitled to avail the remedies open to them. Therefore, it is not possible to fix a time limit for recovery of the misappropriated amount. We therefore dispose this writ petition by directing the fourth respondent to expedite the matter.

3. This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To:

1. The Secretary,
The State of TamilNadu,
Rural Development and
Panchayat Raj Department, Fort St. George, Chennai.
2. The Director,
Rural Development and Panchayat Raj Department,
Panagal Building, Chennai-15.
3. The Secretary,
The State of TamilNadu,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai-9.
4. The District Collector, Sivagangai District, Sivagangai.
5. The Assistant Director of Rural, Development (Audit), Sivagangai.
6. The Block Development Officer, Thirupathur, Sivagangai District.

+1cc to M/S.V.MUTHU KAMATCHI, Advocate SR.No.74129

+1cc to M/S.R.SURESH KUMAR, Advocate SR.No.73703

vsg

MAS/MR-KKR/SAR2:08.11.2017:3P-9C

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