



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.08.2017
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
W.P. (MD) No.16618 of 2016
and
W.M.P (MD) No.12098 of 2016

S.Ponnuchamy

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Assistant Director of Panchayats,
Thoothukudi, Thoothukudi District.

3.The Block Development Officer,
Kovilpatti,
Thoothukudi District.

4.The Assistant Director (Audit),
Rural Development,
Thoothukudi.

5.M.Santhanapandi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the proceedings of the impugned the audit report of the fourth respondent communicated to the Petitioner by his proceeding in Na.Ka.No.A4/172/2016 dated 16.08.2016, pertaining to the Pandavarmangalam Village Panchayat and quash the same.

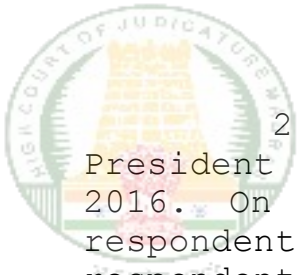
For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.S.Kumar,
Additional Government Pleader
for R.1, R.2 and R.4

Mr.M.Rajarajan, for R.3

ORDER

This writ petition has been filed by the petitioner, seeking a Writ of Certiorari to quash the impugned audit report of the fourth respondent, in his proceeding in Na.Ka.No.A4/172/2016 dated 16.08.2016, pertaining to the Pandavarmangalam Village Panchayat.



2.The case of the petitioner is that he was elected as President for the Pandavarmangalam Panchayat for the period 2011-2016. On 02.02.2016, an order has been passed by the first respondent, on various allegations levelled by the fifth respondent/Vice President against the petitioner and it also referred to a report, wherein, the fourth respondent has levelled a charge of misappropriation to a tune of Rs.89,94,041/- (Rupees Eighty Nine Lakhs Ninety Four Thousand and Forty One only), against the petitioner. In the meanwhile, several writ petitions came to be filed by the petitioner and the fifth respondent herein. Thereafter, the first respondent directed the fourth respondent to re-audit and finally, the fourth respondent submitted an audit objection for a tune of about Rs.99,00,000/- (Rupees Ninety Nine Lakhs only). Aggrieved thereby, the petitioner is before this Court.

3.The learned Counsel for the petitioner contended that without giving him an opportunity of hearing, to put forth his case, the first respondent passed the order dated 02.02.2016 and that he was not even given any notice about the re-audit also. Further, he contended that after the re-audit was completed, the third respondent, by communication dated 16.08.2016, forwarded a copy of the impugned audit report of the fourth respondent in Na.Ka.No.A4/172/2016 dated 16.08.2016 and hence, the impugned proceedings came to be passed, in violation of principles of natural justice.

4.Heard the learned Counsel appearing on all sides and perused the materials available on record.

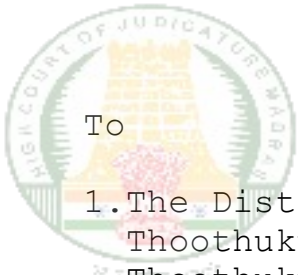
5.Considering the facts and circumstances of the case, this Court, without going into the merits of the petitioner's claim, directs the respondents to consider the objections of the petitioner, by affording due opportunity of personal hearing and take action, if any, on misappropriation of public funds, on the basis of the audit report, submitted by the fourth respondent in Na.Ka.No.A4/172/2016 dated 16.08.2016.

6.With the above direction, this writ petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(crl side)

/Truecopy/

Sub Assistant Registrar



To

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Assistant Director of Panchayats,
Thoothukudi, Thoothukudi District.

3.The Block Development Officer,
Kovilpatti,
Thoothukudi District.

4.The Assistant Director (Audit),
Rural Development,
Thoothukudi.

+1cc to M/S.R.MAHESWARAN, Advocate SR.No.69999

+1cc to Special Government Pleader, SR.No. 70215

gk

MAS/KK/SAR1:21.08.2017:3P-7C

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02.08.2017