

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.7280 OF 2007

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the proceedings of the 1st respondent in Rc.No.3016/06/A11, dated 5.3.2007 and the consequential order of the 2nd respondent in Rc.No.C/8/2007, dated 7.3.2007 as illegal, arbitrary, and unjust and consequently direct the respondents to drop all further proceedings against the petitioner in this regard.”

2. The main grievance of the petitioner is that without furnishing the required details and without giving an opportunity to him, respondent No.1 passed the order, dated 5.3.2007, directing respondent No.2 to recover Rs.3,38,000/- from him on the ground of misappropriation of panchayat funds for which, respondent No.2 passed the order, dated 7.3.2007.

3. From a perusal of the record, it is evident that the petitioner was not given an opportunity of obtaining the required details and that the order passed by respondent No.1 is not a speaking order. Hence, the order, dated 5.3.2007, of respondent No.1 as well as the consequential order, dated 7.3.2007, of respondent No.2, are hereby set aside permitting respondent No.1 to conduct a fresh enquiry, if he intends to do so, after communicating the charges and furnishing all other relevant records to the petitioner, and pass orders afresh.

4. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

5. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

Date: 28.8.2017
AMD



THE HONOURABLE SRI JUSTICE RAJA ELANGO



WRIT PETITION No.7280 OF 2007

Date: 28.8.2017

AMD