



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.28471 of 2016

and

W.M.P.No.24584 of 2016

R.Latha

... Petitioner

Vs

1.The Assistant Director of Rural Development
(Audit)
Coimbatore

2.The District collector
Coimbatore District

3.Block Development Officer
(Village Panchayat)
Sulur Panchayat Union
Coimbatore District

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records relating to the order bearing reference No.Ka.Na.786/2014/A4 dated Nil.07.2016, signed on 12.07.2016, on the file of the first respondent, quash the same. (prayer amended as per order 13.04.2018 in W.M.P.no.28049/2016 in W.P.No.28471/2016)

For Petitioner :Mr.P.Ganesan

For Respondents :Mr.T.M.Pappiah
Special Government Pleader
for R1 and R2

Mr.A.N.Thambidurai
Special Government Pleader
for R3

O R D E R

This writ petition has been filed challenging the order of surcharge proceedings initiated against the petitioner by the first respondent.



2. Against the order of Surcharge, an appeal remedy is available to the petitioner under Rule 5, of the Tamil Nadu Panchayats (Surcharge, Disallowance and Charge) Rules, 2000. Without availing that alternative remedy, the petitioner cannot maintain the writ petition. Apart from that, earlier when the matter was came up for hearing, this court by an order dated 17.08.2016, directed the petitioner to deposit a sum of Rs.5,00,000/- within a period of four weeks and that order was also not complied with. Subsequently, this court by another order dated 14.08.2018 extended the time by four more weeks. Even thereafter, the petitioner did not come forward to comply with the order. In such circumstances, as appeal remedy is available to the petitioner, bypassing the same, the petitioner cannot file the Writ Petition.

3. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mrp/rst

To

- 1.The Assistant Director of Rural Development (Audit),
Coimbatore.
- 2.The District collector,
Coimbatore District.
- 3.Block Development Officer (Village Panchayat),
Sulur Panchayat Union,
Coimbatore District.

+1 cc Mr.P.Ganesan, Advocate, SR.No.64176
+1 cc to The Government Pleader, SR.No.63991

W.P.No.28471 of 2016
and
W.M.P.No.24584 of 2016

KAN(CO)
CSL/26.10.2018