



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED:13.12.2019**

CORAM:

WEB COPY

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA**

**W.P(MD)No.26609 of 2019**

**and**

**W.M.P(MD)No.22959 of 2019**

Pappuraj

... Petitioner

Vs.

1.The District Collector/  
Inspector of Panchayat,  
Thoothukudi.

2.The Assistant Director(Audit),  
Department of Rural Development and Panchayatraj,  
Thoothukudi District.

3.The Block Development Officer(Village Panchayat),  
Kovilpatti Panchayat Union,  
Kovilpatti,  
Thoothukudi District.

4.The Deputy Block Development Officer(Audit),  
Kovilpatti Panchayat Union,  
Kovilpatti,  
Thoothukudi District.

5.Subbiah

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorari calling for the records pertaining to the impugned surcharge Certificate issued by the second respondent in Na.Ka.No.A4/530/2017 dated 24.09.2018 and to quash the same.

For Petitioner : Mr.J.Barathan  
for M/s.T.R.Jeyapalam

For Respondents : Mrs.J.Padmavathi Devi  
1 and 2 Special Govt.Pleader

For Respondents :Mr.A.Thiagarajan  
3 and 4

**ORDER**

This Writ Petition has been filed seeking to quash the impugned surcharge Certificate issued by the second respondent in Na.Ka.No.A4/530/2017, dated 24.09.2018.

WEB COPY

2.Mrs.J.Padmavathi Devi, learned Special Government Pleader takes notice for the respondents 1 and 2, Mr.A.Thiagarajan, learned counsel takes notice for the respondents 3 and 4 and Mr.Prabu, learned counsel takes notice for the fifth respondent.

3.By consent of both parties, the main Writ Petition is taken up for final disposal.

4.Challenge in this Writ Petition is to the order passed by the second respondent/The Assistant Director(Audit), Department of Rural Development and Panchayat Raj, Thoothukudi District. It is seen from the affidavit filed in support of the Writ Petition that the Petitioner is an elected President of Erachi Panchayat, Kovilpatti Union, Thoothukudi for the period from 2011-2016 and has earned high reputation from the general public of the said Panchayat. While so, due to political motive, the fifth respondent sent a representation to the first respondent stating that the Petitioner had misappropriated certain amount from the Panchayat funds. Hence, an adverse remark was raised in the audit report for the year 2015-16. After several litigations, finally, on 24.09.2018, the second respondent has issued the impugned Surcharge Certificate, which is impugned herein.

5.A perusal of the impugned order would reveal that the Petitioner has an alternative remedy of appeal against the order impugned herein under Rule 5 of the Tamil Nadu Panchayats (Surcharge, Disallowance and Charge) Rules, 2000. Such appeal should be filed within a period of sixty days from the date of receipt of the impugned proceedings. Therefore, the Writ Petition filed, as such, by the Petitioner invoking Article 226 of the Constitution of India, is not maintainable. Thus the Writ Petition fails. The impugned order filed in original may be returned to the Petitioner.

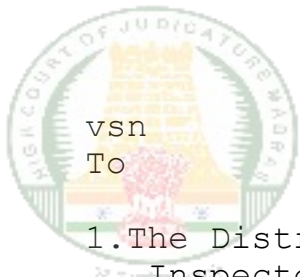
6.Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)



vsn  
To

1.The District Collector/  
Inspector of Panchayat,  
Thoothukudi.

2.The Assistant Director(Audit),  
Department of Rural Development and Panchayatraj,  
Thoothukudi District.

3.The Block Development Officer(Village Panchayat),  
Kovilpatti Panchayat Union,  
Kovilpatti,  
Thoothukudi District.

4.The Deputy Block Development Officer(Audit),  
Kovilpatti Panchayat Union,  
Kovilpatti,  
Thoothukudi District.

COPY TO

The Section Officer, ER Section,  
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.T.R.Jeyapalam, Advocate SR.No.104886  
+1cc to Spl GP. SR.No.105054

**ORDER MADE IN**  
**W.P(MD)No.26609 of 2019**  
**and**  
**W.M.P(MD)No.22959 of 2019**  
**13.12.2019**

VB(02.01.2020) 3P 8C