



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:27.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.1553 of 2020

and

W.M.P. (MD) No.1268 of 2020

WEB COPY

S.P.Jaisankar

... Petitioner

Vs.

1) The District Collector,
Thoothukudi District,
Thoothukudi.

2) The Assistant Director(Audit),
O/o Assistant Director,
Thoothukudi.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records on the file of the 2nd respondent in connection with the impugned final notice issued by him in A6/1211/2016 dated 25.09.2019 (received on 06.11.2019) and quash the same as illegal and arbitrary.

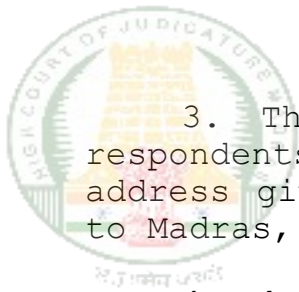
For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.M.Rajarajan,
Government Advocate

O R D E R

The Writ Petition has been filed seeking to call for the records on the file of the 2nd respondent in connection with the impugned final notice issued by him in A6/1211/2016 dated 25.09.2019 (received on 06.11.2019) and quash the same as illegal and arbitrary.

2. Earlier the petitioner was served with notice under Section 205(11) of the Tamil Nadu Panchayat Act, 1994. The only allegation of the petitioner herein is that, the impugned final notice is illegal and arbitrary, as the principles of natural justice has not been complied with. It is also stated that the additional report was not served on him before the impugned notice was issued. In fine, it is stated that the second respondent failed to follow the procedure prescribed under Rule 8 of the Tamil Nadu Panchayat (Issue and Disposal of Audit Report of Village Panchayats) Rules, 2000. As no opportunity was given to the petitioner before the impugned notice is passed, the petitioner is before this Court.



3. The learned Government Advocate appearing on behalf of respondents 1 & 2 stated that the petitioner is not residing in the address given in the affidavit and that, the petitioner is shifted to Madras, the address of which is not known to the respondents.

4. The learned counsel for the petitioner would submit that the address given in the affidavit is the place where he is currently residing and therefore, the affidavit and other documents may be furnished to him to the said address and on receipt of which he could give his explanation.

5. Without going into the merits of the case, the respondents are directed to furnish the affidavit, report and other relevant documents for the purpose of getting explanation from the petitioner within a period of two weeks, to the address furnished in the affidavit herein. Upon receipt of the same, the petitioner has to furnish his explanation with supporting documents within a period of two weeks, upon which, the respondents may afford an opportunity of personal hearing to the petitioner and pass appropriate orders. The entire exercise should be completed within a period of six weeks from the date of receipt of a copy of this order.

6. In view of the above, the impugned order made in A6/1211/2016 dated 25.09.2019 is set aside and the writ petition stands disposed of. No costs. Consequently, connected W.M.P.(MD) No.1268 of 2020 is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1) The District Collector,
Thoothukudi District,
Thoothukudi.

2) The Assistant Director(Audit),
O/o Assistant Director,
Thoothukudi.

+1 CC to M/s.SPL.GP (SR-3360[F] dated 28/01/2020)

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-3466[F] dated 28/01/2020)

W.P(MD)No.1553 of 2020

27.01.2020

KK/SAR/17.02.2020/2P-5C/

<https://hcservices.ecourts.gov.in/hcservices/>