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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WP No.17658 of 2021 &
W.M.P. No. 18815 of 2021

Abranam

...Petitioner

-Vs-

1.The State of Tamil Nadu
Rep by Secretary to Government
Rural Development and
Panchayat Raj Department
Fort St. George
Chennai - 600009.

2.The District Collector
District Collectors Office
Perambalur
Perambalur District.

3.The Additional Director (panchayat Audit)
Perambalur
Perambalur District.

4.The Project Officer
Kalpadi panchayat,
Perambalur
Perambalur District.

5.The Tahsildar
Tahsildar Office
Perambalur
Perambalur District.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to dispose of the appeal filed by the petitioner dated 06.08.2014

For Petitioner : Mr. George Grahaar for
Devadason and Sagar

For Respondents : Mr.U.Baranidharan
Government Advocate



O R D E R

This writ petition has been filed for the issue of writ of Mandamus directing the first respondent to dispose of the appeal filed by the petitioner on 06.08.2014, within the time frame fixed by this Court.

2. When the matter was taken up for admission on 24.08.2021, this Court passed the following order:-

Mr.U.Baranitharan, learned Government Advocate, takes notice for the respondents.

2.It is seen from the records that the petitioner was the elected President of Kalpadi Panchayat for the period from 2006 to 2011. Enquiry was conducted and the 3rd respondent through proceedings dated 23.07.2013 issued a surcharge certificate and made the petitioner liable for the loss of a sum of Rs.5,95,552/-. Aggrieved by the same, the petitioner filed an appeal before the 2nd respondent and the 2nd respondent through proceedings dated 13.06.2014 dismissed the appeal.

3. As against the order passed by the 2nd respondent, the petitioner filed the 2nd appeal under Rule 5(2) of the Tamil Nadu Panchayats (Surcharge, Disallowance and Charge) Rules, 2000. The grievance of the petitioner is that no orders have been passed in the appeal by the 1st respondent and in the mean time, the 5th respondent has issued Form No.1 dated 28.07.2021 under the Revenue Recovery Act for the recovery of the amount mentioned in the surcharge certificate. According to the petitioner, the proviso to Rule 5(1) provides that during the pendency of the appeal, the surcharge certificate should not be enforced. In spite of the pendency of the appeal before 1st respondent, since attempt is being made to enforce the surcharge certificate, the petitioner is seeking for a stay of the Form No.1 issued by the 5th respondent.

4. There shall be a stay of Form No.1 issued by the 5th respondent dated 28.07.2021 for a period of two weeks. The Learned Government counsel appearing on behalf of the respondents shall take instructions as to the stage of the appeal that is said to be pending on the file of the 1st respondent. Post this case under caption, 'for orders' on 08.09.2021.

3. When the matter was taken up for hearing today, the learned Government counsel based on the written instructions received from the first respondent submitted that the appeal



filed by the petitioner is pending and some time limit may be fixed by this Court to enable the first respondent to enquire and pass the final orders in the appeal.

4. Taking into consideration the facts and circumstances of the case and the submissions of the learned Government counsel, there shall be a direction to the first respondent to dispose of the appeal filed by the petitioner on 06.08.2014, after affording opportunity to the petitioner, within a period of 8 weeks from the date receipt of the copy of this order.

5. It is made clear that petitioner shall cooperate for the disposal of the appeal, within the time limit fixed by this Court. Till the final orders are passed in the appeal, the interim order passed by this Court during the pendency of this writ petition shall continue.

6. This writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

sha/rka

To

- 1.The Secretary to Government,
The State of Tamil Nadu,
Rural Development and
Panchayat Raj Department,
Fort St. George,
Chennai - 600009.
- 2.The District Collector,
District Collectors Office,
Perambalur,
Perambalur District.
- 3.The Additional Director (panchayat Audit),
Perambalur,
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- 4.The Project Officer,
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Perambalur,
Perambalur District.



5.The Tahsildar,
Tahsildar Office,
Perambalur,
Perambalur District.

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+1cc to M/s.Devadasan & Sagar, Advocate SR.No.45388

+1cc to the Government Pleader SR.No.45815

W.P.No.17658 of 2021
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PMK(CO)
RVM(24/09/2021)