



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**
AND
THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.P. (MD) No.19033 of 2020

P.Poolpandi @ Pandi

: Petitioner

Vs.

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

2.The Assistant Director of Panchayat,
Thoothukudi District,
Thoothukudi.

3.The Block Development Officer,
Kayathar Panchayat Union,
Thoothukudi District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents 1 & 2 to conduct an enquiry based on the petitioner's representation dated 25.01.2020 along with social audit report in accordance with law and take appropriate steps and intimate the same to the petitioner.

For Petitioner : Mr.M.Prabu

For Respondents : Mr.K.Mu.Muthu,
Additional Government Pleader

ORDER

(Order of the Court was made by **M.M.SUNDRESH, J.**)

The petitioner has filed this writ petition, *inter alia*, alleging that there are irregularities committed while completing the project, as could be seen from the audit objections.

2. In the counter affidavit filed by the first respondent, who is the Inspector of Panchayats, the following submission has been made:

"8. It is further submitted for the allegations in paras 8 & 9 it is stated that under Rule 7, Sub-Rule 3(b) it is said to ensure that prompt action is taken on the Social Audit Report & Rule 4 states that the State Govt shall be responsible to take follow up action on the findings of the



Social Audit of the Mahatma Gandhi National Rural Employment Guarantee Audit of Scheme Rules, 2011. It is an obligation of the District Programme Coordinator / District Collector to take prompt action as a follow-up on the Social Audit Report. In furtherance of the action, a high level committee is formed in every District comprising the District Collector, Project Director, Assistant Director (Audit), Assistant Project Officer (MGNREGA) and the head of the District Social Audit namely the District Resource Person of Social Audit Society as its members to enquire and decide on the discrepancies mentioned by the Social Audit Report. It will be dealt with in the joint sitting of the Social Audit High Level Committee headed by the District Collector. Further replies will be heard from the responsible officers on all objections made in the Social Audit Report and opportunity should be given to submit supporting documents to defend the objections made. It is further stated that the District Resource Person of Social Audit Society who had conducted the Audit and made objection in the first place, himself sits in the High Level Committee Joint sitting and decides to drop the objections after hearing replies and perusing relevant documents and evidence. Hence, Audit objections are not verdicts themselves.

9. It is further submitted that normally the High Level Committees sits once in a month. But due to Covid-19 Pandemic situation, High Level committee was not convened. The 16th Social Audit High Level Committee was convened on 16.10.2020. If it is convened in forthcoming months, the above said paras can be dropped by the Committee. Even after the convening of High Level Committee, if any discrepancy is proved after due enquiry, the steps will be taken for initiating action and for passing order to recover the relevant amount from the responsible persons. Hence there are many chances of dropping the objections after due enquiry. Therefore a mere objection cannot be decided as a corruption or fraudulent practice and action cannot be initiated solely based on the Audit objections. Since the Audit Paras raised in the Audit report are being dropped by the Social Audit High Level Committee after proper verification of documents and enquiry, the Writ Petition is not maintainable. Hence, it has to be dismissed in limine."

3. As the Audit Objections and the Audit Paras raised in the Audit report are subject to the review of the Social Audit High Level Committee, this writ petition stands disposed of, by directing the aforesaid Committee to look into the same and take appropriate action, within a period of twelve weeks from the date of receipt of a copy of this order. Needless to state that the Committee shall look into the relevant materials, including the representation made



by the petitioner, in this regard. There shall be no order as to costs.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar (CS)

gk

To

- 1.The District Collector cum Inspector of Panchayat,
Thoothukudi District,
Thoothukudi.
- 2.The Assistant Director of Panchayat,
Thoothukudi District,
Thoothukudi.
- 3.The Block Development Officer,
Kayathar Panchayat Union,
Thoothukudi District.

+1 CC to M/s.SPL GP (SR-2786[F] dated 02/02/2021)

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KG (CO)

KB(11.02.2021) 3P 5C