



W.P(MD)No.8172 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.12.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.8172 of 2015

and

M.P(MD)Nos.1 & 2 of 2015

Kantha Roopi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St.George, Chennai-600 009.

2.The District Collector/
District Programme Co-ordinator,
Madurai District, Madurai.

3.The Block Development Officer (Village Panchayats),
Usilampatti Panchayat Union,
Usilampatti,
Madurai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records in pursuant to the impugned order passed by the 2nd respondent in Na.Ka.No.2239/2014/D5 dated 06.03.2015 and quash the same.



W.P(MD)No.8172 of 2015

For Petitioner : Mr.M.Saravana Kumar

For Respondents : Mr.A.Baskaran
Additional Government Pleader

ORDER

The present writ petition has been filed by the President of a Village Panchayat challenging an order passed by the Inspector of Panchayat/District Collector, under which he has directed the writ petitioner to deposit a sum of Rs.2,03,816/- (Rupees Two Lakh Three thousand Eight Hundred and Sixteen only) on the basis of a audit objection raised by the authorities.

2. Whenever there is an allegation of any misappropriation of money or property of the President of the Village Panchayat or the Panchayat Union, the District Collector has to invoke Tamil Nadu Panchayats (Surcharge, Disallowance and Charge) Rules, 2000. As per the said rules, the Assistant Director of Rural Development (Audit) is the authority to conduct an enquiry after giving due notice to the writ petitioner. After conducting an enquiry, he should issue surcharge certificate. Only based upon the surcharge certificate, the same can be



W.P(MD)No.8172 of 2015

executed by the Inspector of the Panchayat, namely the District Collector. However, in the present case, without conducting any enquiry by the Assistant Director of Rural Development (Audit) or issuance of surcharge certificate, the present impugned order has been passed.

3. In view of the above said facts, the order impugned in the writ petition is set aside. The 2nd respondent is at liberty to initiate proceedings as contemplated under Sections 3 and 4 of the Tamil Nadu Panchayats (Surcharge, Disallowance and Charge) Rules, 2000.

4. With the above said observations, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

01.12.2022

Index : Yes / No
Internet : Yes / No

gbg



W.P(MD)No.8172 of 2015

WEB COPY

To

- 1.The Secretary to Government,
The State of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Fort St.George, Chennai-600 009.
- 2.The District Collector/
District Programme Co-ordinator,
Madurai District, Madurai.
- 3.The Block Development Officer (Village Panchayats),
Usilampatti Panchayat Union,
Usilampatti,
Madurai District.



WEB COPY



W.P(MD)No.8172 of 2015

R.VIJAYAKUMAR ,J.

gbg

Order made in
W.P(MD)No.8172 of 2015

Dated:
01.12.2022