



W.P.(MD)No.28712 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.28712 of 2022

and

W.M.P.(MD)Nos. 22703 & 22705 of 2022

S.Arivazhagan

... Petitioner

Vs.

The Commissioner,
Sivagangai Municipality,
Sivagangai.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records pertaining to the impugned order passed by the respondent herein vide his proceedings in Na.Ka.No.1881/2019/C-1, dated 29.04.2020 and quash the same as illegal and unconstitutional and for other reliefs.



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For Petitioner : Mr.B.Arun

ORDER

This writ petition has been filed to quash the impugned order passed by the respondent herein vide his proceedings in Na.Ka.No. 1881/2019/C-1, dated 29.04.2020.

2. The learned counsel appearing for the petitioner submitted that the petitioner was appointed as a Work Inspector on 26.12.2007 in Aruppukottai Municipality, Virudhunagar District. After completion of probation period, his service was regularised and thereafter, he was transferred to various Municipalities. During February 2015 to February 2020, the petitioner working as Public Works Overseer and during the year 2018 to 2020 the petitioner was entrusted with charge duty of Town Planning Inspector of the respondent Municipality and he had discharged his duties without any adverse remarks and he retired from service on 30.04.2020 and thereafter, without issuing any show-cause notice, the respondent passed the present impugned recovery order and decided to



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recover the same from the petitioner's pension amount on the sole ground that the petitioner not collected the land conversion charges, under ground drainage system, deposit amounts, labour welfare fund, collection of regularization charges and collection of development charges, scrutinizing charges, etc., from the person who obtained approvals. Challenging the same, the present writ petition is filed.

3. The learned counsel for the petitioner further submitted that the writ petition is filed solely on the ground that the present impugned order is passed without providing any opportunity to the petitioner. It is a clear violation of principles of natural justice. Accordingly, he prayed for allowing the writ petition.

4. This Court perused the impugned order. Perusal of the impugned order clearly reveals that no opportunity was given to the petitioner and based on the audit objection, the impugned order is passed. Hence, it is in violation of natural justice and hence, it is liable to be interfered with.



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5. Accordingly, the order impugned in this writ petition is set aside. The matter is remanded back to the respondent Municipality and the respondent is directed to hear the petitioner and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above terms, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No

Speaking Order : Yes / No

RM



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The Commissioner,
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M.DHANDAPANI,J.

RM

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