



W.P.(MD).No.2473 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.2473 of 2017

and

W.M.P.(MD).No.2085 of 2017

Subbaraj

... Petitioner

Vs.

- 1.The Secretary,
Agriculture Department,
Secretariat,
Chennai – 600 009.
- 2.The Agricultural Director,
Department of Agriculture,
Chepauk,
Chennai.
- 3.The Joint Director of Agriculture,
Collectorate Campus,
Korampallam,
Thoothukudi.
- 4.The Accountant General,
Annasalai,
Chennai.

... 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 relating to the impugned order passed by the third respondent in its proceedings KQ6/7922/2006 dated 19.10.2016 and quash the same.



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For Petitioner : Mr.S.Pon Senthil Kumaran
For R-1 to R-3 : Mrs.D.Farjana Ghoushia,
Special Government Pleader.
For R-4 : Mr.P.Gunasekaran

ORDER

This Writ Petition has been filed for Writ of Certiorari to quash the impugned order dated 19.10.2016.

2. The issue before this Court is that the petitioner has incurred expenditure over and above the authorized limit that was granted for repairing the jeep bearing Registration No.TN07G0218.

3. According to the respondent, the petitioner has spent excess amount of Rs.17,911/- and above. The respondents have filed a counter stating that as per Government letter dated 24.12.2009, general instructions have been issued to recover the excess amount. However, the claim of the petitioner to sanction the excess can be considered only after the petitioner remits the excess amount. The Government can accord ratification. But, initially the petitioner ought to pay the excess amount, then and then only the claim of ratification can be considered. Once it is ratified, then the amount will be refunded to the

petitioner.



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3. When the Writ Petition is taken up for hearing, the learned counsel appearing for the petitioner submitted that the excess amount is already deposited and now the first respondent ought to consider the case for ratification.

4. Therefore, this Court set aside the impugned order. The first respondent shall consider the case of the petitioner and ratify the said amount and thereafter, disburse the said amount deposited by the petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

20.10.2022

Index : Yes / No
Internet : Yes/ No
Nsr



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S.SRIMATHY, J.

Nsr

To

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