



WEB COPY



W.P.Nos.13994, 13995 and 13996 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

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THE HON'BLE MR. JUSTICE RMT.TEEKAA RAMAN

W.P.Nos.13994, 13995 and 13996 of 2018

and

W.M.P.Nos.16526, 16524 and 16527 of 2018

P.Jayavel

... Petitioner
In W.P.No.13994 of 2018

A.Amalinsuguna

... Petitioner
In W.P.No.13995 of 2018

K.Murali

... Petitioner
In W.P.No.13996 of 2018

Vs.

The Commissioner,
Villupuram Municipality,
Villupuram.

... Respondent
In all W.Ps.

COMMON PRAYER: Writ Petitions have been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in Na.Ka.No.4619/2017/C1 dated 02.05.2018, quash the same and consequently forbear the respondent from in any manner imposing the recovery of the supposed loss pointed out in Audit objections for the period 24.05.2017 to 31.12.2017.



W.P.Nos.13994, 13995 and 13996 of 2018

For Petitioner

In all W.Ps. : Mr.R.Karthikeyan

For Respondent

In all W.Ps. : Mr.V.Jayaprakash Narayanan

COMMON ORDER

These Writ Petitions have been filed by three persons who are Town Planning Officer and Town Planning Inspectors, challenging the order of recovery passed by the Commissioner of Villupuram Municipality on the ground that at the appropriate time, they were never worked in the Villupuram Municipality.

2. Based upon the Local Fund Authority Letter dated 28.03.2018, the respondent / Municipality Commissioner has issued show cause notice as to why recovery proceedings would not be initiated as against the loss suffered by the Municipality. This Show cause notice also enclosed with the Audit Objection Paragraphs in Para Nos.11, 12, 13, 15, 16, 18, 19, 20, 21, 22 and 23 and after receiving the same, it appears that they have not been given time for explanation. However, they have been given appearance belatedly. Meanwhile, the impugned order dated 02.05.2018 was passed, fixing the



amount as Rs.7,64,104/- for one P.Jayavel, Rs.7,64,105/- for K.Murali and Rs.7,64,105/- for A.Amalinsuguna.

3. After going through the counter affidavit, I find that the said P.Jayavel has joined duty only on 17.05.2017 and hence, he claims that the responsibility cannot be held and the other fact as to whether these Officers have been worked at the relevant point of time is concerned, a detailed enquiry is necessary.

4. After hearing Mr.V.Jayaprakash Narayanan, learned counsel for the Villupuram Municipality, I find that the Municipality is competent to issue the said recovery proceedings. However, in order to give an opportunity to the petitioner, the impugned order is set aside and the matter is remanded back to the respondent / Municipality and these petitioners shall offer their explanation within a period of three weeks from the date of receipt of a copy of this order and the Municipality shall pass orders within a period of twelve weeks thereafter.



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5. With the aforementioned directions, these Writ Petitions are disposed of. No Costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

09.03.2023

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
ab



W.P.Nos.13994, 13995 and 13996 of 2017

To

The Commissioner,
Villupuram Municipality,
Villupuram.



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RMT.TEEKAA RAMAN. J.,

ab

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09.03.2023