



WP.No.24025 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

WP.No.24025 of 2023
and W.M.P.Nos.23517 of 2023

R.Maruvarasi

.. Petitioner

Versus

1.The District Collector
Villupuram District
Villupuram

2.The Deputy Director
Rural Development & Panchayat Raj Department
Panagal Maligai
4th & 5th Floor, Abdul Razzaq Street
Saidapet, Chennai – 600 015

3. The Assistant Planning Officer
cum Rural Development Officer
District Rural Development
Villupuram

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the impugned Memorandum dated 12.10.2022 in Na.Ka.No.PA5/4001/2022 by the 1st respondent and the consequential proceedings of the 1st respondent dated 16.06.2023 in Na.Ka.No. PA5/ 4001 /2022 and quash the same.

For Petitioner : Mr.G.Ganesh Kumar

For Respondents : Mr.S.Prabhakaran
Government Advocate



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ORDER

This writ petition has been filed challenging the Memorandum dated 12.10.2022 passed in Na.Ka.No.PA5/4001/2022 issued by the 1st respondent, the consequential proceedings of the 1st respondent dated 16.06.2023 in Na.Ka.No. PA5/4001/2022 and quash them.

2. The impugned orders have been challenged mainly on the ground that the final orders have been passed without giving any opportunity of hearing to the petitioner.

3. Mr.S.Prabhakaran, learned Government Advocate takes notice for the respondents. With the consent of both the parties, this writ petition is disposed off at the admission stage itself.

4. The impugned orders are passed directing the petitioner to deposit a sum of Rs.6,35,955/- in the concerned Government accounts, since, there is a violation in Pradhan Mantri Awas Yojana Scheme. The only allegation levelled against the petitioner is that there is some violation while inspection of the building constructed under the PMAY Scheme. Therefore, based on the report of the second and third respondent, the impugned orders of recovery have been passed by the first respondent/District Collector. On perusal of the entire



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materials, the impugned orders make it clear that the impugned orders are passed mainly on the basis of some report of the respondents 2 and 3, no materials whatsoever have been furnished to the petitioner before arriving at such conclusion.

5. Such view of the matter, this Court is of the view the very impugned orders itself are in violation of principle of natural justice. When the person is indicted with liability, he must have given proper opportunity before fixing the liability and the same is not done in this case.

6. Accordingly, this writ petition stands allowed. The impugned orders as far as the petitioner is concerned stands quashed and the matter is remitted back for a *de novo* consideration to the first respondent and the first respondent is directed pass appropriate order after giving proper opportunity of hearing to the petitioner. Consequently, connected miscellaneous petition is closed. No costs.

16.08.2023

dhk
Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

N.SATHISH KUMAR, J.



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To

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