



W.P. No. 30167 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 30167 of 2023

Selvamani

... Petitioner

-VS-

1. The District Collector cum
Inspector of Panchayat
Cuddalore District
Cuddalore.
2. The Assistant Director (Audit)
Virudhachalam Division
Cuddalore District.
3. The Block Development Officer
Mangalore Block
Cuddalore District.
4. Kalaiyarasi

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to initiate action against the Fourth Respondent for misappropriation of public fund in pursuance of show cause memo dated 02.06.2023 on the file of the First Respondent and the Petitioner's representation dated 12.09.2023.



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For Petitioner : Mr. K.Karuppaiya Mooppanar
For Respondents : Mr. S.J.Mohamed Sathik,
Government Advocate (RR1 & 2)

Mr. L.Naveen Kumar
For Mr. Arasa Kumar (RR3 & 4)

ORDER

Heard Mr. K.Karuppaiya Mooppanar, Learned Counsel for the Petitioner, Mr. S.J.Mohamed Sathik, Learned Government Advocate who takes notice for the First and Second Respondents and Mr. L.Naveen Kumar, Learned Counsel who takes notice for the Third and Fourth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Fourth Respondent and the Petitioner are the President and Vice-President respectively of Avinangudi Village Panchayat in Thittagudi Taluk of Cuddalore District. The Third Respondent had issued show cause notices dated 02.06.2023 to the Petitioner and the Fourth Respondent in respect of certain acts of misappropriation of public funds relating to the said Panchayat. It is informed that the Petitioner and the Fourth Respondent had submitted their reply on 23.07.2023 and 30.06.2023 respectively. As no action has been taken by the concerned authorities thereafter, the Petitioner has filed this Writ Petition.



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3. Learned Government Advocate appearing for the First and Second Respondents, on instructions, states that necessary action would be taken in furtherance to the explanations submitted by the Petitioner and the Fourth Respondent.

4. Having regard to the limited scope of the relief sought in the Writ Petition, this Court without expressing any view on the merits of controversy involved, passes the following order:-

- (i) the concerned authority shall immediately consider the explanations dated 23.07.2023 and 30.06.23023 submitted by the Petitioner and the Fourth Respondent in response to the show cause notice issued by the Third Respondent;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner and the Fourth Respondent and all other persons concerned requiring the same to be furnished within a time frame of not less than 15 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and Fourth Respondent and all other persons



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concerned to explain their position in that regard;

- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 31.12.2023 under written acknowledgment; and
- (vi) the report of such compliance shall be filed before the Registrar (Judicial) of this Court.

In the result, the Writ Petition is disposed on the aforesaid terms.

No costs.

19.10.2023

NCS : Yes/No

Index: Yes/No

Maya

Note: Issue order copy by 31.10.2023.

To

1. The District Collector cum
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Cuddalore District
Cuddalore.
2. The Assistant Director (Audit)
Virudhachalam Division
Cuddalore District.
3. The Block Development Officer
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P.D. AUDIKESAVALU, J.

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