



W.P(MD)No.10236 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10236 of 2015

B.Chinnasamy @ Chinnaiah

... Petitioner

Vs.

**1.The District Collector,
Sivagangai District,
Sivagangai.**

**2.The Assistant Director of Audit,
Village Panchayats,
Collector Campus,
Sivagangai.**

**3.The Block Development Officer,
(Village Panchayats)
Panchayat Union Office,
Thiruppuvanam,
Sivagangai District.**

4.A.M.Periyasamy

**5.M.Dhanasekar
(R5 is impleaded vide order dated 06.07.203
in W.M.P.(MD)No.18940 of 2021)**

... Respondents

**Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying
this Court to issue a Writ of Mandamus, to direct the official respondents to**

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initiate appropriate action against the fourth respondent under the provisions of Tamil Nadu Panchayat Act as well as Indian Penal Code and take effective steps and recover the sum of Rs.30 Lakhs and above from the 4th respondent on the basis of the petitioner's representation dated 08.05.2015.

For Petitioner : Mr.Srikanth
for M/s.APN Law Associates

For Respondent : Mr.S.RA.Ramachandran
Additional Government Pleader for R1 to R3
M/s.A.Afritha Fathima
for M/s.Ajmal Associates

ORDER

Heard both sides.

2. The petitioner was the president of Thoothai Village Panchayat when he filed the writ petition. He is no longer the president. He alleges that the fourth respondent had committed acts of misappropriation during his tenure between 2001-2006.

3. I do not want to go into the factual aspects. It is not in dispute that the Assistant Director, Audit, Sivagangai had issued surcharge notice bearing Na.Ka.No.A1/1321/2011, dated 26.08.2013 against the fourth respondent. It is not known as to why further



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action was not taken.

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4. The respondents 2 & 3 are directed to continue the surcharge proceedings earlier initiated and pass final order on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order. I make it clear that issuance of this direction will not in any way cast any aspersion on the defence which the fourth respondent may have. The contentions of both the parties are left open.

5. The Writ Petition is disposed of accordingly. No costs.

11.08.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Assistant Director of Audit,
Village Panchayats,

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Collector Campus,
Sivagangai.

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3.The Block Development Officer,
(Village Panchayats)
Panchayat Union Office,
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Sivagangai District.

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