



W.P.(MD).No.14454 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.14454 of 2015

and

M.P(MD)No.1 of 2015

S.Revathy

... Petitioner

Vs.

1.The District Collector,
Karur District, Karur.

2.The Assistant Director (Audit),
Office of the District Collector,
Karur.

3.The Block Development Officer,
K.Paramathi Union,
Karur District.

4.The President,
Soodamani Panchayat,
K.Paramathi Union,
Karur District.

5.P.Radhakrishnan

... 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 pertaining to the impugned order passed by the 3rd respondent in



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Na.Ka.Aa5/1461/2013, dated 30.06.2015, quash the same.

For Petitioner : Mr.P.Saravana Kumar
For R1 – R3 : Mr.R.Suresh Kumar
Additional Government Pleader
For R4 : Mrs.D.Farjana Ghoushia
For R5 : No Appearance

ORDER

This petition has been filed challenging the impugned order, dated 30.06.2015 directing the petitioner to remit Rs.5,33,959/- (Rupees Five Lakh Thirty Three Thousand Nine Hundred and Fifty Nine only) which is a loss created by the petitioner's non-deposit of amount collected as tax for the Panchayat.

2. The contention of the petitioner is that the disciplinary proceedings are pending. Before quantifying the amount in the disciplinary proceedings and without any enquiry, the respondents have initiated proceedings to recover the amount from the petitioner based on audit objection. Even for audit objection, the respondents are bound to conduct an enquiry after affording opportunity to



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the petitioner.

3. Therefore, this Court is inclined to allow this writ petition. The impugned order is set aside and the respondents are directed to issue separate notice regarding the audit objection. After affording adequate opportunity of personal hearing, the 3rd respondent shall pass speaking order within a period of six (6) weeks from the date of receipt of a copy of this order. Based on the outcome of the enquiry proceedings, appropriate action may be taken against the petitioner.

4. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

04.01.2023

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

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To

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S.SRIMATHY, J.

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