



W.P(MD)No.7471 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7471 of 2015
and
M.P.(MD)Nos.1 and 2 of 2015

P.Radhakrishnan

... Petitioner

Vs.

1.The District Collector,
(Inspector of Panchayats),
Karur District.

2.The Rural Development Assistant
Director (Auditing),
District Collector's Office,
Karur District.

... 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 in Na.Ka.A.4/008/2012 dated 09.04.2015 on the file of the second respondent and quash the same as illegal.



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For Petitioner : Mr.S.R.Sureshkumar

For Respondents : Mrs.K.Christy Theboral,
Addl. Government Pleader.

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ORDER

Heard the learned counsel on either side.

2.The writ petitioner was the President of Soodamani Village Panchayat, Karur District. Allegations were made that on account of the petitioner, financial loss was caused to the panchayat. It is not in dispute that after conducting audit, surcharge order can be passed. The Tamil Nadu Panchayat (Surcharge, Disallowance and Charge) Rules, 2000 sets out the procedure. In this case, notice was issued on 20.02.2015. It was received by the petitioner on 28.03.2015. The petitioner has given a representation on 09.04.2015 and the same was received by the respondents on 16.04.2015. In the meanwhile on 09.04.2015, the impugned communication came to be issued. It is clarified by the respondents, the communication dated 09.04.2015 is more in the nature of reminder and nothing else.



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3. In any event, surcharge certificate has not been issued under Rule 4 till date. The petitioner is given two weeks from the date of receipt of a copy of this order to offer her further explanation. Thereupon, the first respondent will follow the procedure set out in the aforesaid rules and pass final order. The rules contemplate that auditor will hold an enquiry. The auditor will also given personal hearing to the petitioner. I make it clear that I have not gone into the merits of the matter. All the contentions of the writ petitioner are left open.

4. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

28.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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To:-

- 1.The District Collector,
(Inspector of Panchayats),
Karur District.
- 2.The Rural Development Assistant
Director (Auditing),
District Collector's Office,
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(1/2)