



W.P.No.29274 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.29274 of 2016
and
W.M.P.No. 25307 of 2016

Natarajan

.... Petitioner

Vs

1.The District Collector,
Perambalur,
Perambalur District.

2.The Assistant Director of Rural Development
(Panchayat/Audit)
Collectorate, Perambalur.

3.The Tahsildar,
Kunnam Taluk,
Perambalur District.

.... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari to call for the entire records relating to the impugned proceedings in Na.Ka.No.A2/527/2014, dated 05.08.2016 on the file of the third respondent herein and quash the same.

For Petitioner : Mr.R.Gokulakrishnan
For Respondents : Mr.S.Arumugam
Government Advocate



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ORDER

This Writ Petition has been filed challenging the notice issued by the second respondent dated 05.08.2016, thereby directed the petitioner to pay the balance amount, failing which, the attachment proceedings will be initiated.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was former President of Keelapuliyur Village. While being so, he had purchased electrical and other equipments to the tune of Rs.4,05,243/- and issued a cheque. The said amount was realised by the petitioner. However, without purchasing any goods, the petitioner anticipated the purchase and misappropriated the said amount. That apart, the petitioner committed misappropriation to the tune of Rs.2,78,677/- from the Panchayat fund. As per the audit report for the year 2006-2011, it was found that the petitioner against the rules and regulations made improper payments for the tune of Rs.2,78,677/-. Therefore, the second respondent, by its communication dated 12.12.2011, directed the petitioner to pay the said amount of



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Rs.2,78,677/- within a period of thirty days from the date of receipt of a copy of that order, failing which, the respondent will proceed in accordance with law. It was duly served on the petitioner.

4. Further, it was found that another illegal act of petitioner relating to misappropriation of Panchayat fund to the tune of Rs.4,05,243/-. Accordingly, the second respondent issued notice dated 25.10.2016 to deposit the said amount. However, the petitioner did not respond by any explanation for the communication of the second respondent. Therefore, the first respondent, by its proceedings dated 23.08.2013, directed the third respondent to proceed with the recovery of money as per the Revenue Recovery Act, 1890 from the petitioner. Furtherance, the third respondent issued Form I notice for both the payments of Rs.2,78,677/- and Rs.4,05,243/- under the Revenue Recovery Act, 1890, dated 05.06.2016.

5. Therefore, without challenging the other proceedings initiated as against the petitioner, the petitioner is challenging the notice issued under the Revenue Recovery Act, 1890. Therefore, this Court finds no infirmity or illegality in the notice issued by the second



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respondent. The third respondent is directed to recover the dues from the petitioner under the Revenue Recovery Act, 1890, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above observation, this writ petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

02.09.2024

Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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To

1.The District Collector,
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2.The Assistant Director of Rural Development
(Panchayat/Audit)
Collectorate, Perambalur.

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G.K.ILANTHIRAIYAN, J.

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