



WEB COPY



W.P.No.34476 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

**Writ Petition No.34476 of 2019
and WMP Nos.35182 & 35183 of 2019**

Mr.J.Balakrishna

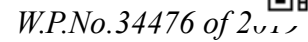
.... Petitioner

-Vs-

- 1 The District Collector
(Inspector of Panchayat)
Coimbatore
Coimbatore and District.
- 2 The Assistant Director
Rural Development (Auditing)
District Collectorate Building
Coimbatore
Coimbatore District.
- 3 The Block Development Officer
Periyanaicken Palayam
Coimbatore District.

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the Impugned Order dated 06.09.2019 having reference Na.Ka.No.1790/ 2009/ A1 on the file of the 3rd respondent and quash the same.





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report has no basis. The petitioner had given a reply on 02.02.2007 to the District Collector, Coimbatore, denying the charges. Thereafter, the impugned order was served on the petitioner claiming that the petitioner should return back a sum of Rs.20,96,993/-. The learned counsel for the petitioner questioned the impugned order on the ground that proper enquiry was not made and that a proper enquiry officer was not put in place. But those grounds were not stated in the affidavit filed in support of the writ petition.

3.In the writ petition however it had been stated that notice had not been issued and that the entire file had not been examined by the respondents before passing the impugned order. It was also stated that same allegation had been levelled against the Village President and the Panchayat, and this Court had closed the said enquiry.

4.A counter affidavit had been filed on behalf of the 3rd respondent, the Block Development Officer, wherein it had been stated that on the basis of the report dated 09.07.2008, the 1st respondent - District Collector/Inspector of Panchayat at Coimbatore had issued a notice to the petitioner to pay the amount and also to give explanation. The 3rd respondent had issued another notice on



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06.09.2019. It is stated that the petitioner had made loss of Rs.98,818/- during his period as President and it is contended that the petitioner had paid the said loss to the Panchayat. Thereafter another notice had been issued about loss of Rs.9,36,771/-. It had been contended that the petitioner had incurred substantial loss to the Panchayat. It had been further stated that instead of giving reply to the show cause, the present writ petition has been filed.

5.The impugned order is dated 06.9.2019. In the said impugned order, it had been informed to the petitioner that owing to his acts, a loss of Rs.20,96,933/- had been incurred. It had been stated that the petitioner should pay up the said amount. Taking into consideration the fact that the petitioner claims that an enquiry had not been conducted and even in the counter affidavit there is no reference to any enquiry being conducted, I would direct that the notice be converted as show cause notice and permit the petitioner to give a proper reply and for the respondents to conduct an enquiry by calling for explanation from the petitioner and pass necessary orders.

6.The entire issue relates to the period 2008 and therefore, the petitioner must issue a reply to the impugned order within a period of ten workings days



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from the date of receipt of a copy of this order and thereafter, an enquiry officer should be appointed and enquiry must be conducted and completed within a period of three months from the date of receipt of such reply. Orders to be passed in accordance with the directions issued.

7. Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

20.11.2024

Index : Yes/No

NCS : Yes/No

KP

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C.V.KARTHIKEYAN.,J

KP

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