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W.P.(MD)NO.8681 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.8681 of 2024 AND

W.M.P.(MD)No.7926 of 2024

V.Devaki

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Rural Development & Panchayat Raj Department,
Fort St. George, Chennai – 600 009.
2. The Director of Rural Development &
Panchayat Raj Department,
Saidapet, Chennai – 600 015.
3. The Inspector of Panchayats/
District Collector,
Pudukkottai District,
Pudukkottai.
4. The Assistant Director(Audit),
Pudukkottai District, Pudukkottai.
5. The Assistant Director of Panchayats,
Pudukkottai District, Pudukkottai.
6. The Block Development Officer,
(Village Panchayats),
Aranthangi Panchayat Union,
Pudukkottai District.



7. The Deputy Development Officer(Audit),
Aranthangi Panchayat Union,
Pudukottai District.

8. P.Thiyagarajan,
Secretary,
Eganivayal Village Panchayat,
Aranthangi Panchayat Union,
Pudukkottai District.

9. The Branch Manager,
Indian Overseas Bank,
Athani Branch,
Pudukkottai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of 4th respondent in Na.Ka. No. A4/1818/2022 dated 30.11.2023 consequential impugned final notice in Na.Ka.No. A4/1818/2022 dated 20.02.2024 quash the both the orders and consequently direct the respondents 4 to 7 herein to conduct a fair and proper detailed enquiry furnishing all copies of documents and examining all witnesses in accordance with law.

For Petitioner : Mr.G.Thalaimutharasu

For R-1 to R-7 : Mr.Villavankothai,
Additional Government Pleader.
* * *

ORDER

Heard both sides.



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2. The petitioner has been slapped with surcharge certificate.

Admittedly, it is appealable before the Inspector of Panchayats.

3. The petitioner's counsel states that certain documents sought for by her were not furnished and that is why, she was not able to put forth her defence properly. This argument founded on the principles of natural justice can also be canvassed before the third respondent. If the petitioner files an appeal before the third respondent within a period of two weeks from the date of receipt of a copy of this order, the appeal shall be entertained by the third respondent without reference to limitation. The petitioner can also seek interim relief before third respondent. The impugned surcharge certificate shall be put on hold and not enforced on the petitioner for a period of eight weeks from today. If the petitioner fails to file an appeal within a period of two weeks, the benefit of this order will be vacated automatically. I make it clear that I have not gone into the merits of the matter.

4. With this liberty to the petitioner and the direction to the authorities to keep the order in abeyance for a period of eight weeks, this



writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

04.04.2024

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

Note: Issue order copy on 08.04.2024.

To:

1. The Principal Secretary,
Rural Development & Panchayat Raj Department,
Fort St. George, Chennai – 600 009.
2. The Director of Rural Development &
Panchayat Raj Department,
Saidapet, Chennai – 600 015.
3. The Inspector of Panchayats/
District Collector,
Pudukkottai District, Pudukkottai.
4. The Assistant Director(Audit),
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6. The Block Development Officer,
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Aranthangi Panchayat Union, Pudukkottai District.
7. The Deputy Development Officer(Audit),
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