



W.P.(MD)No.16168 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2024

CORAM:

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

W.P.(MD)No.16168 of 2024 &  
W.M.P.(MD)Nos.14061 & 14062 of 2024

B.Sakthivel

... Petitioner

vs.

1.The Director of Municipal Administration,  
Chepauk, Chennai - 5.

2.The Commissioner,  
Rameshwaram Municipal Office,  
23(1), Varthagan Street,  
Rameshwaram District.

3.The Commissioner,  
Padmanabapuram Municipality,  
O/o.The Padmanabapuram Municipality,  
Padmanabapuram,  
15-60, Palace Road,  
Thuckalay,  
Kanyakumari District.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the impugned order of the second respondent in Na.Ka.No.692/2024/C1 dated 05.06.2024 and quash the same as illegal.



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For Petitioner : Mr.H.Mohammed Imran  
for M/s.Ajmal Associates

For Respondents : Mr.S.Shanmugavel  
Additional Government Pleader for R1

Mr.K.Saravanan  
Standing Counsel for R2 and R3

### **ORDER**

Heard Mr.H.Mohammed Imran, learned counsel appearing for the petitioner, Mr.S.Shanmugavel, learned Additional Government Pleader appearing for the first respondent and Mr.K.Saravanan, learned Standing Counsel appearing for the respondents 2 and 3.

2. The petitioner has filed this petition seeking to quash the impugned proceedings of the second respondent in Na.Ka.No. 692/2024/C1 dated 05.06.2024 as illegal.

3. The petitioner who is working as a Municipal Engineer has suffered recovery in view of the impugned proceedings. The impugned proceedings has been issued by the second respondent to the third respondent on the basis of the audit objection No.85 pertaining to the



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financial year 2013-14. In the impugned proceedings, it is stated that the petitioner has been given with monetary benefit with effect from the date which is not eligible and hence, recovery to be made in installments.

4. Mr.H.Mohammed Imran, learned counsel appearing for the petitioner submitted that before passing such an order, no notice has been given to the petitioner.

5. It appears that the copy of the impugned proceedings has not been served upon the petitioner and only at his request, the copy of the proceedings has been served to him. Even if the audit objection is correct, that has to be made known to the petitioner, who is going to be the aggrieved party. In such case, the impugned proceedings itself can be considered as notice and the petitioner can be given with an opportunity to make his submissions before passing an order in this regard.

6. In view of the above observations, the writ petition is **disposed of** and the impugned proceedings of the second respondent is



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allowed to be treated as show cause notice and the petitioner is at liberty to make his submissions within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents shall consider the same on merits and pass appropriate orders within a period of four weeks thereon. It is needless to state that till such time, no further recovery be made. No costs. Consequently, connected Miscellaneous Petitions are closed.

22.07.2024

NCC: Yes/No  
Index : Yes/No  
Speaking/Non-Speaking order

*mbi*

To

The Director of Municipal Administration,  
Chepauk, Chennai - 5.



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R.N.MANJULA, J.

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