



W.P(MD)No.17100 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17100 of 2024

and

W.M.P.(MD)No.14718 of 2024

M.Periyasamy

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Assistant Director of Audit,
Village Panchayats,
Collector Campus,
Sivagangai.

3.The Block Development Officer,
(Village Panchayats),
Panchayat Union Office,
Thiruppuvanam,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the surcharge certificate issued by the 2nd respondent vide his proceedings in Na.Ka.A7/1321/2011 dated 31.10.2023 and quash the same as illegal within the period that may be stipulated by this Court.



W.P(MD)No.17100 of 2024

For Petitioner : Ms.H.Jasima Yasmin,
For M/s.Ajmal Associates.

For Respondents : Mr.D.Sasikumar,
Addl. Government Pleader.

ORDER

The petitioner was the President of Thoodhai Panchayat during 2003 – 2006. Surcharge certificate dated 31.10.2023 has been issued against him by the second respondent. Challenging the same, the present writ petition has been filed.

2.The petitioner had already filed an appeal before the first respondent. Having filed an appeal before the first respondent, it is only just and proper that the petitioner pursues his remedy before the said authority. The learned counsel for the petitioner states that the impugned surcharge certificate has been issued without considering the petitioner's reply. I am certain that all the contentions raised by the petitioner will be considered by the first respondent. The first respondent is directed to dispose of the petitioner's appeal dated 12.12.2023 on merits and in accordance with law within a period of three weeks from the date of receipt of a copy of this order. Till the first respondent passes final order, the impugned surcharge certificate will not be enforced against the petitioner. I make it clear that I have not gone into the merits of the matter.



W.P(MD)No.17100 of 2024

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3.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

29.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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Sivagangai District,
Sivagangai.
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Sivagangai.
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W.P(MD)No.17100 of 2024

G.R.SWAMINATHAN, J.

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W.P(MD)No.17100 of 2024

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