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W.P.(MD) No.11547 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD) No.11547 of 2016

and

M.P.(MD) Nos.8835 of 2016 & 651 of 2017

A.Senthilkumar

... Petitioner

-VS-

1.The District Collector
Virudhunagar District
Virudhunagar

2.The Assistant Director
Rural Development Department
Virudhunagar District, Virudhunagar

3.M.Kannan
President of Anaikuttam Panchayat
Virudhunagar Taluk
Virudhunagar District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the first respondent to take appropriate action as per the provisions of the Panchayat Act as against the third respondent for



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having committed malpractices in utilizing the fund allocated to the petitioner's Panchayat Development Works during the financial year 2011-2012, 2012-2013, based on the petitioner's representation dated 12.01.2015 made to the first respondent.

For Petitioner : Mr.R.Saravanan

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 & R2
Mr.A.Balaji for R3

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Prayer in this writ petition is to direct the first respondent to take appropriate action as per the provisions of the Panchayat Act as against the third respondent for having committed malpractices in utilizing the fund allocated to the petitioner's Panchayat Development Works during the financial years 2011-2012, 2012-2013, based on the petitioner's representation dated 12.01.2015.

2. The District Collector, Virudhunagar District / first respondent has filed a status report, dated 19.01.2024, wherein in Paragraph No.x, he has stated as follows:



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“x.However, the Assistant Director (Audit) was directed by the 1st Respondent to pursue surcharge proceedings against the 3rd Respondent vide Roc.AD1/2410/2015 dated 28.11.2016 and to collect the remaining amount of Rs.2,51,717/- from the 3rd Respondent under the provisions of the Revenue Recovery Act. The Proceedings are Pending at this Stage.”

3. In view of the above statement of the first respondent, no further adjudication is required in this writ petition and the same is, therefore, closed. However, the authority concerned is directed to take necessary action as against the third respondent under the provisions of the Revenue Recovery Act for recovery of the amount due from him, without any further delay. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.]

[R.V., J.]

20.02.2024

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

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To:

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Assistant Director,
Rural Development Department,
Virudhunagar District,
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