



WEB COPY

WP No. 26259 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 26259 of 2025

AND

WMP NOs. 29558 and 29556 OF 2025

1. P.M. Lingamoorthy
No 65, Anna Salai, Nagalkeni,
Chrompet, Chennai 600 044

Petitioner(s)

Vs

1. The Executive Engineer
MRT / CEDC / SOUTH - II
TANGEDCO, KK Nagar, Chennai 600
078

2.The Assistant Engineer
O & M / CEDC / South -II
TANGEDCO /Chrompet Chennai 600
044

Respondent(s)

PRAYER

Writ petition filed under Article 226 of Constitution of India for the issuance of writ of Certiorari to call for the records, relating to the impugned letter of the



2nd respondent dated 04.06.2025 in Lr. No AE / O and M / Chrompet / F. BOAB / audit / D. No 353 / 2025 demanding the petitioner to pay a sum of Rs 6,92,605/- towards shortfall between the period from 01.2020 to 03.2021 which was raised vide slip No 25220251046 by the BOAB Audit AS No 47 quash the same and pass orders.

For Petitioner(s): Mr.R.Saravanakumar
For Respondent(s): Mr.L.Jai Venkatesh, Standing Counsel

ORDER

This writ petition has been filed challenging the impugned letter of the 2nd respondent dated 04.06.2025 demanding from the petitioner a sum of Rs.6,92,605/- towards short fall between the period from January 2020 to March 2021.

2. Heard Mr.R.Saravana Kumar, learned counsel for the petitioner and Mr.L.Jai Venkatesh, learned Standing counsel for respondents.

3. It is seen from records that the petitioner had earlier filed a writ petition in WP No.6173 of 2021 against a similar demand that was made and this writ petition along with WP No.3385 of 2021 was allowed by this Court by an order dated 14.03.2024 in the following terms :-



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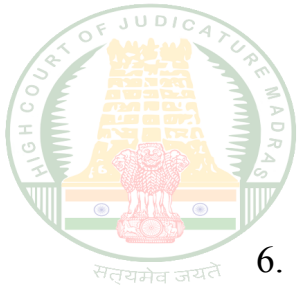


5. *Admittedly the demand has been made without issuing any show cause notice and without providing any opportunity of personal hearing to the petitioners and therefore, the impugned orders are liable to be set aside.*

6. *In view of the above reasonings, the impugned proceedings are set aside. The respondents are directed to issue fresh notice to the petitioners, by providing opportunity of personal hearing to them and pass appropriate orders thereafter.*

4. The grievance of the petitioner is that inspite of the above directions issued by this Court, no fresh notice was issued to the petitioner and no opportunity was given to the petitioner and straight away, the impugned communication was sent to the petitioner directing the petitioner to pay the sum of Rs.6,92,605/- towards short fall. Aggrieved by the same, the present writ petition has been filed before this Court.

5. Taking into consideration the earlier order passed by this Court and considering the grievance expressed by the petitioner, it is seen that the 2nd respondent has not strictly complied with the earlier order passed by this Court and straight away a demand has been made against the petitioner. Therefore, the impugned communication dated 04.06.2025 has to be necessarily interfered by this Court.



6. The learned Standing Counsel appearing for the respondent submitted that a fresh notice will be issued to the petitioner and particulars will be given to the petitioner and thereafter, a decision will be taken by the 2nd respondent.

7. Considering the above submission, the impugned letter of the 2nd respondent dated 04.06.2025 is hereby quashed. There shall be direction to the 2nd respondent to issue notice to the petitioner and afford an opportunity to the petitioner and thereafter, take a decision as was directed in the earlier order passed by this Court in WP No.6173 of 2021 dated 14.03.2024.

8. In the result, this writ petition is allowed in the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

21-07-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

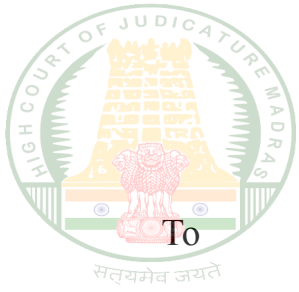
Neutral Citation: Yes/No



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N.ANAND VENKATESH J.
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