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W.P.No.30159 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2025

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THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.30159 of 2017
and
W.M.P.Nos.32773 & 32774 of 2017

M.K.Neethipathy
S/o.K.Kuppuswamy

... Petitioner

VS.

1. The State of Tamil Nadu
Rep. by the Secretary to Government
Health and Family Welfare Department
Fort St.George, Chennai-600 009.
2. The Director of Medical Education
Kilpauk
Chennai-10.
3. The District Collector
Collectorate
Villupuram,
4. The District Collector
Collectorate
Salem.

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5. The Dean
Government Villupuram Medical College Hospital
Mundiampakkam
Villupuram.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the 5th respondent dated 27.03.2014 in Na.Ka.No.4079/A4/2014 and quash the same and consequently, direct the respondents to drop all action thereof.

For Petitioner : Mr.L.Chandrakumar
For Respondents : Mr.E.Sundaram
Government Advocate

ORDER

The captioned Writ Petition (hereinafter referred to as “WP” for the sake of brevity, convenience, and clarity) has been filed seeking the issuance of a writ of certiorarified mandamus, to quash the order dated 27.03.2014 bearing reference Na.Ka.No.4079/A4/2014 issued by the fifth respondent (hereinafter referred to as the “impugned order”) and consequently, direct the respondents to drop all further action pursuant thereto.



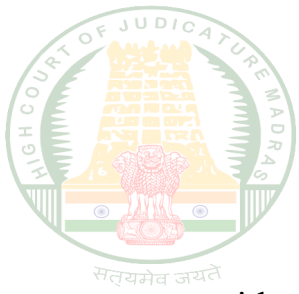
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2. By the impugned order, the petitioner was directed to pay a sum of Rs.10,680/- towards the difference in the cost of X-ray films.

3. The case of the petitioner is that, while serving as Medical Superintendent, he procured X-ray films on the basis of the lowest quotation available at the relevant time. He thereafter retired from service on attaining the age of superannuation on 30.04.2013. However, nearly a year later, the impugned order came to be issued on 27.03.2014, calling upon him to make the aforesaid payment.

4. Mr. L. Chandrakumar, learned counsel for the petitioner, submitted that the impugned order does not disclose any reasons for demanding the said amount of Rs.10,680/-. He contended that reasons cannot be subsequently supplemented by way of affidavits or counter statements. The allegation that the petitioner had procured X-ray films without approval or without following the procedure of obtaining quotations is not found in the impugned order itself, and hence, the order is unsustainable in law. 5. Per contra, Mr. E. Sundaram, learned Government Advocate appearing for the respondents, submitted that the petitioner had indeed procured X-ray films



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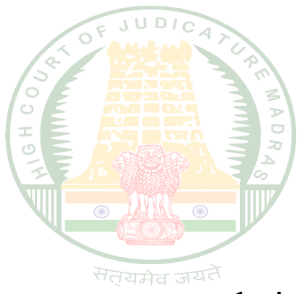
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without the approval of the competent authority and without calling for proper quotations. Based on audit objections, the fifth respondent issued the impugned order, which, according to him, does not warrant interference by this Court. He further argued that the impugned order was passed on 27.03.2014, whereas the writ petition was filed only in 2017, without any satisfactory explanation for the delay. Therefore, the writ petition, he submitted, is liable to be dismissed on the ground of delay and laches.

6. The submissions of both sides have been duly considered and the records carefully perused.

7. A bare perusal of the impugned order dated 27.03.2014 shows that it merely refers to audit objections and directs the petitioner to pay Rs.10,680/-. The order does not set out any specific reasoning as to why the petitioner is held liable for such payment. However, in the counter affidavit filed by respondents 1 and 2, it is sought to be explained that the petitioner signed the supply order without issuing an approval letter for calling quotations and without obtaining sanction from the competent authority.

8. It is a well-settled principle of law that a quasi-judicial or



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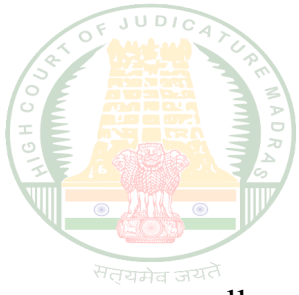
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administrative order must stand or fall on the reasons recorded in the order itself. The validity of an order cannot be sustained by supplementing reasons in the form of an affidavit or counter. Since the impugned order contains no reasoning, it cannot be upheld.

9. Further, it is also evident that no notice was issued to the petitioner prior to passing of the impugned order. The impugned order, having been issued solely on the basis of alleged audit objections and without affording the petitioner an opportunity of hearing, is vitiated for violation of the principles of natural justice.

10. Though the respondents contend that the writ petition suffers from delay and laches, it is seen that pursuant to the impugned order, Revenue Recovery proceedings were initiated, which prompted the petitioner to approach this Court in 2017. This Court had granted an order of status quo on 23.11.2017, thereby protecting the petitioner from coercive recovery. In these circumstances, the objection regarding delay and laches is untenable and stands rejected.

11. In light of the foregoing reasons, the captioned Writ Petition is



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allowed. The impugned order dated 27.03.2014 bearing reference Na.Ka.No.4079/A4/2014 issued by the fifth respondent is hereby quashed. Consequently, connected miscellaneous petitions stand closed. There shall be no order as to costs.

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Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

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To

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Rep. by the Secretary to Government
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