

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

**W.P.No.12788 of 2010 and
M.P.No.1 of 2010**

K.Ramamoorthy

...Petitioner

-Vs-

1. The Tahsildar,
Mylapore-Triplicane Taluk,
Chennai-600 028.

2.The Tamil Nadu Road Development
Company Ltd.,
rep. By its Managing Director,
Sindhur Panthion Plaza II Floor,
No.346, Pantheon Road,
Egmore, Chennai.
(cause title amended as per order dated 27.8.2010
in M.P.No.2 /2010) ...Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Certiorari calling for the records from
the from the 1st respondent's impugned notice No.C-2/9424/2008,
dated 01.06.2010 and to quash the same.

For Petitioner : Mr.M.Kumaraswami

For Respondents : Mr.P.Sanjay Gandhi, AGP

ORDER

The prayer in the writ petition is for a writ of certiorari to call for

the records of the 1st respondent's impugned notice No.C-2/9424/2008, dated 01.06.2010 and to quash the same.

2. The impugned order is a notice under the Revenue Recovery Act to recover the cost to be paid by the petitioner towards the 2nd respondent as has been ordered by this Court in an earlier writ petition in W.P.No. 32899 of 2004 whereby this Court by order dated 09.1.2007, between the parties had directed as follows:

"17. The petitioner has filed civil suits and they are pending in the Civil Courts. The petitioner is agitating all his rights through the civil suit, yet he has approached this Court by way of writ, suppressing all the facts and converting the personal dispute into public interest litigation. In this writ petition, the Government Advocate has appeared on behalf of the first respondent and third respondent and the Senior Counsel appeared for the second respondent and the fourth counsel has also engaged a Senior Advocate to inform the truth. Therefore this Court is of the opinion that it is a fit case to dismiss the writ petition with costs.

18. Accordingly the writ petition is dismissed with costs of Rs.5,000/- each to all the four respondents totalling Rs.20,000/- payable by the petitioner within 90 days from the date of this order."

3. It is also the fact that as against the said order of the learned Judge, writ appeal was filed and ultimately, the writ appeal was also dismissed. Therefore, the order of this Court dated 09.1.2007 has become final.

4. Once the order of this Court has become final where cost also was awarded, the party who suffered with that order and has to comply with that order including cost to be paid by him. Only for recovery of the same, the present notice was issued invoking the provisions of the Revenue Recovery Act by the respondents. On hearing, it is ascertained that still the petitioner has not paid the said amount to the 2nd respondent which he is bound to pay, in view of the order passed by this Court which has reached finality.

5. In view of the said facts narrated above, I find no merits in the case as the impugned order is a sustainable one and there is no legal infirmity.

6. Hence, writ petition is liable to be dismissed, accordingly, is dismissed and the respondents can proceed in recovering the said cost as ordered by this Court in the earlier litigation in accordance with

law.

R.SURESH KUMAR,J.

No costs. Consequently, connected miscellaneous petition is closed. kua

Index: Yes/No
Internet: Yes/No
kua

17.10.2016

To

1. The Tahsildar,
Mylapore-Triplicane Taluk,
Chennai-600 028.

2. The Managing Director,
The Tamil Nadu Road Development
Company Ltd.,
Sindhur Panthion Plaza II Floor,
No.346, Pantheon Road,
Egmore, Chennai.

W.P.No.12788 of 2010