



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2018

CORAM :

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.9458 of 2014andM.P(MD)Nos.1 to 3 of 2014

Santhosakani

... Petitioner

Vs.

- 1.The Chief Executive Officer,
Khadar and Village Industries Board,
Kuralagam,
Chennai 600 108.
- 2.The Assistant Director,
Khadi and Village Industries Commissioner,
St., Thomas Road,
Tirunelveli.
- 3.The Tahsildar,
Agasteeswaram Taluk Office,
Kanyakumari District.
- 4.The Village Administrative Officer,
Nagercoil Village,
Agasteeswaram Taluk,
Kanyakumari District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the records pertaining to the impugned distraint order issued under Section 8 of the Tamil Nadu Act 2 of 1864 issued by the third respondent dated 02.05.2014 and quash the and consequently direct the respondents not to proceed with any recovery proceedings against the petitioner without due process of law.

For Petitioner : Mr.F.Deepak

For Respondents 3&4 : Mr.M.Govindan,
Special Government Pleader.<https://hcservices.ecourts.gov.in/hcservices> For Respondents 1&2 : Mr.G.Karnan

ORDER

Heard Mr.F.Deepak, learned counsel appearing for the petitioner, Mr.M.Govindan, learned Special Government Pleader appearing for the respondents 3 and 4 and Mr.G.Karnan, learned counsel appearing for the respondents 1 and 2.

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2.Admittedly, there is an order passed against the petitioner directing her to pay the loss caused to the Khadi which was not challenged by the petitioner. However, the petitioner has challenged only the consequential proceedings issued under the Revenue Recovery Act and therefore, the relief sought by the petitioner cannot be granted.

3.At this juncture, learned counsel appearing for the petitioner submitted that the petitioner has submitted representation dated 11.06.2014 to the first respondent for waiver of the amount and not to take distraint proceedings against her.

4.In the above circumstances, the writ petition is disposed of directing the first respondent to consider the representation of the petitioner dated 11.06.2014 and pass appropriate orders on merits and in accordance with law. No costs. Consequently, M.P(MD)Nos.1 to 3 of 2014 are closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The Tahsildar,
Agasteeswaram Taluk Office,
Kanyakumari District.

2.The Village Administrative Officer,
Nagercoil Village,
Agasteeswaram Taluk,
Kanyakumari District.

+1CC to Mr.G.Karnan, Advocate, SR.No. 40284
+1CC to Mr.F.Deepak, Advocate, SR.No. 40416
+1CC to the Special Government Pleader SR.No.40394

Writ Petition (MD) No.9458 of 201404.01.2018