

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18..10..2019
CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.32928 of 2006
and
M.P.No.2 of 2006

Jagadeesh Cotton Company
Rep. by its Partner,
R.M.Rajamanickam,
No.14, R.M.Illam,
Thennampalayam Extension,
Cross Street,
Tiruppur, Coimbatore District.

.... Petitioner

-Versus-

1. State of Tamil Nadu,
Rep. by its Secretary (Revenue),
Fort St. George, Chennai 600 009.
2. The District Collector,
Coimbatore,
Coimbatore District.
3. The Tahsildar,
Taluk Office,
Tiruppur, Coimbatore District.
4. The Divisional Joint Registrar,
Cooperative Societies,
Bombay Division,
Malhotra House,
6th Floor, before G.P.O.,
Mumbai.
5. Maharashtra State Co-op Cotton
Growers Marketing Federation Ltd.,
Gowtham Building,
Zackaria Bunder Road,
Sewree, Mumbai-15.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the letter of the 3rd respondent in Na.Ka.No.13682/2002/Aa2 dated 16.08.2005 addressed to the

petitioner and to quash the same and also forbear them from continuing the recovery proceedings initiated against the petitioner pursuant to the letter dated 16.08.2005.

For Petitioner : Mr.A.Anbarasu
For Respondent(s) : Mr.I.Sathish, AGP for
RR1 to 3
Mr.R.Murali for R5
No appearance for R4

ORDER

This writ petition has been filed challenging the notice dated 16.08.2005 issued by the 3rd respondent directing the petitioner to discharge the dues payable to the 5th respondent and also informing the petitioner that in the event the amount is not paid on or before 29.08.2005, action would be taken for attachment of properties under The Revenue Recovery Act, 1890 [in short, the RR Act].

2. According to the petitioner company, they entered into a contract with the 5th respondent for the purchase of fully pressed cotton bales on 18.07.1998. It appears that earlier on a petition filed by the 5th respondent, an award came to be passed on 30.07.2002 against the petitioner. Thereafter, a recovery certificate under Section 3(1) of the RR Act was issued by the District Collector-cum-District Magistrate, Mumbai City on 15.10.2013 directing the 2nd respondent -District Collector, Tirupur District, Tirupur, to recover the amount due from the petitioner. Pursuant to the above said notice, now, the respondents 2 and 3 have issued notice to the petitioner directing them to settle the amount and if the amount as directed has not been settled within the stipulated time, action would be initiated for attachment of property under the RR Act. It is this notice, which is now under challenge in this writ petition.

3. Heard both sides and also perused the records carefully.

4. The impugned notice has been issued pursuant to the Award passed against the petitioner by the Joint Director of Marketing Maharashtra State, Pune, Mumbai State under Section 40 of The Maharashtra Raw Cotton (Procurement, Processing and Marketing) Act, 1971. Thereafter, a certificate under Section 3(1) of the RR Act was also issued by the competent authority. Pursuant to the recovery certificate, the present notice has been issued by the respondents 2 and 3. Without challenging the Award passed against them, the petitioner cannot challenge the consequential

notice issued by the 3rd respondent and therefore, this writ petition is not maintainable. If at all the petitioner company have got any grievance, the only remedy available to them is to challenge the Award in the manner known to law.

5. In the result, this Writ Petition is dismissed. No costs. Consequently, connected MP is closed.

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

kmk

To

1.The Secretary (Revenue), Government of Tamil Nadu,
Fort St. George, Chennai 600 009.

2.The District Collector, Coimbatore, Coimbatore District.

3.The Tahsildar, Taluk Office, Tiruppur, Coimbatore District.

+1 CC to Mr.R.Murali , Advocate sr 87826

+1 CC to The Govt. Pleader sr 88247.

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EV(CO)
SP(26/11/2019)

सत्यमेव जयते

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