

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2019

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.33404 OF 2004

M/s.N.V.Somasundaram & Co.,
rep. by its Partner
Sri Sukumaran

... Petitioner

Versus

1. The Special Deputy Tahsildar,
(Recovery),
Tamil Nadu Handloom Development
Corporation,
Kancheepuram.

2. The Tamil Nadu Handloom
Development Corporation,
rep. by its Chairman,
Third Floor, Kuralagam,
Chennai-600 001.

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records comprised in the proceedings of the 1st respondent dated 23.09.2004 (distrainment order) and quash the same as illegal.

For Petitioner : Mr.P.Seshadri

For Respondents : Mr.S.Parthasarathy for R1 & R2

ORDER

This Writ Petition has been filed challenging the revenue recovery proceedings initiated by the 1st respondent for recovery of decree amount of Rs.2,63,511/-, which is due to the 2nd respondent.

2. Earlier, when the matter was taken up for hearing, the learned counsel appearing for the petitioner submitted that the petitioner is willing to pay the entire decree amount, which is

sought to be recovered by the respondent, and the learned counsel appearing for the 2nd respondent has submitted no objection for his request.

3. Today, when the matter was taken up for hearing, the learned counsel appearing for the petitioner handed over the demand draft for a sum of Rs.2,15,000/- towards decree amount and the same was received by the learned counsel appearing for the respondent. Both the parties have accepted that the above amount was paid towards full and final settlement of the amount due to the 2nd respondent, and the 2nd respondent has no further claim against the petitioner.

4. In view of the above, the impugned order passed by 1st respondent dated 23.09.2004 is set aside.

5. The learned counsel appearing for the petitioner would submit that already, the petitioner has paid a sum of Rs.1 lakh in favour of 2nd respondent by way of Fixed Deposit and that amount may be refunded to the petitioner. That apart, the other original documents submitted to the 2nd respondent may be directed to return to the petitioner. For which, the learned counsel appearing for the 2nd respondent submitted that the 2nd respondent will return the documents as well as the Fixed Deposit within a period of four weeks from the date of receipt of the copy of this order.

6. Accordingly, the present Writ Petition stands allowed with a direction to the 2nd respondent to return the Fixed Deposit along with accrued interest, and all the documents submitted by the petitioner, which are available with the 2nd respondent within a period of four weeks from the date of receipt of the copy of this order. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rpp

To

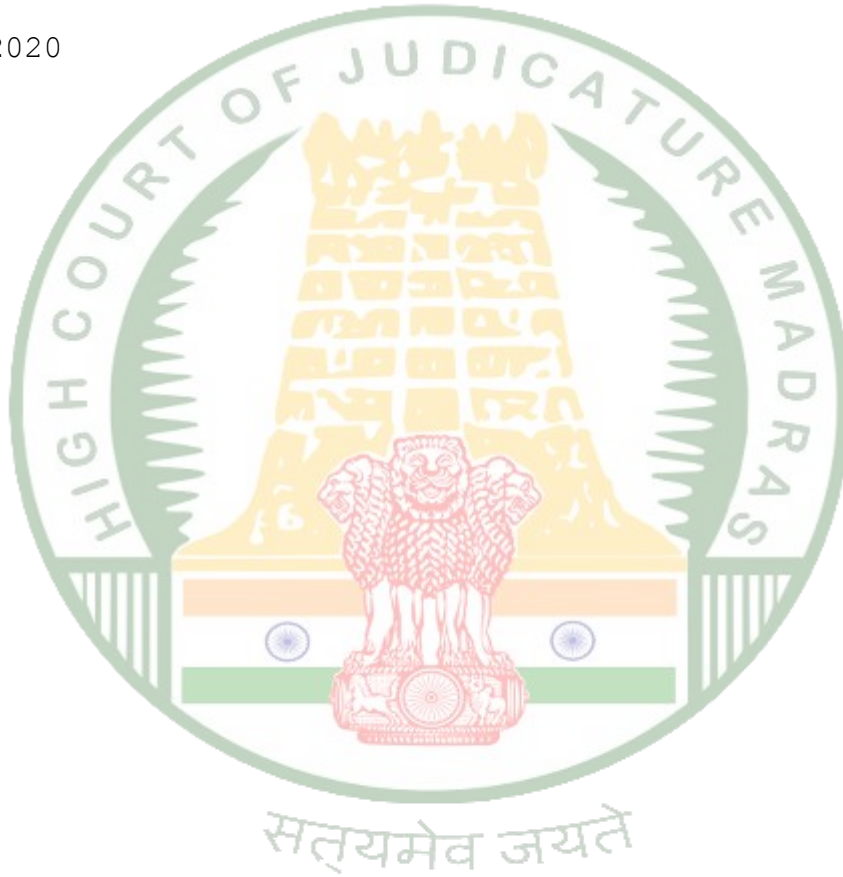
1. The Special Deputy Tahsildar,
(Recovery),
Tamil Nadu Handloom Development
Corporation,
Kancheepuram.

2. The Chairman,
Tamil Nadu Handloom
Development Corporation,
Third Floor, Kuralagam,
Chennai-600 001.

+1cc to Mr.S.Parthasarathy, Advocate, S.R.No.90913
+1cc to Mr.P.Seshadri, Advocate, S.R.No.90628
+1cc to the Government Pleader, S.R.No.91554

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CA(CO)
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