

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2020

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.14020 of 2012

and

MP No.1 of 2012

M/s.Pandian Fragrances (P) Limited,
rep. by its Director,
K.K.Dinakaran Petitioner

Vs

1. The Tahsildhar,
Mannurpet,
Athipattu Village,
Ambattur Chennai
Thiruvallur District
600 053.

2. The Revenue Inspector
Mannurpet,
Athipattu Village,
Ambattur,
Chennai
Thiruvallur District,
600 053.

3. The Village Administrative Officer,
No.61, Mannurpet,
Athipattu Village,
Ambattur,
Chennai,
Thiruvallur District,
600 058.

..... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for all the records pending on the file of the first respondent leading to passing of the Distraint order dated 14.03.2012 issued under Section 8 Tamil Nadu Revenue Recovery Act, 1864 (Act II of 1864) to attach the petitioner's property to quash the same.

For petitioner : Mr.C.S.K.Sathish
For respondents : Mr.R.S. Selvam
Government Advocate
for RR1 to 2
R3 - Served - No appearance

ORDER

This writ petition has been filed challenging the distraint notice, dated 14.03.2012 issued by the first respondent.

2. It is the case of the petitioner that K.Raja is not their employee. According to the petitioner, it was brought to their notice that K.Raja had instituted a labour case against M/s.Varuni Chemicals (P) Limited, which ended in an award passed in his favour and subsequently an Execution Petition was filed. Since, no payment was forthcoming, the impugned distraint notice was issued by the first respondent under the Tamil Nadu Revenue Recovery Act, 1864.

3. Admittedly, as seen from the distraint notice, the notice has been issued only to M/s.Varuni Chemicals (P) Limited. The writ petition has been filed by M/s.Pandian Fragrances (P) Limited. According to the learned counsel for the petitioner M/s.Pandian Fragrances (P) Limited has no connection with M/s.Varuni Chemicals (P) Limited and it is their case that since at the time of filing of the writ petition, they were occupying the premises, which were earlier occupied by M/s.Varuni Chemicals (P) Limited, the distraint notice has been issued to them without any basis.

4. It is also submitted by the learned counsel for the petitioner that subsequent to the filing of this writ petition, the petitioner is not carrying on its business at the address, where the distraint notice was issued by the first respondent.

5. Since, a categorical stand has been taken by the petitioner that they are no way connected with M/s.Varuni Chemicals (P) Limited against whom, the impugned distraint notice, dated 14.03.2012 was issued and considering the submission made by the learned counsel for the petitioner that K.Raja is not the petitioner's employee, the petitioner should not be prejudiced. The impugned distraint order has been issued only against M/s.Varuni Chemicals (P) Limited and not against the petitioner.

6. For the foregoing reasons, it is clear that the impugned distraint order will not prejudice and affect the rights of the petitioner in any manner whatsoever and apprehensions of the petitioner are totally unwarranted.

7. In the result, this Court passes the following direction :

The first respondent is at liberty to execute the impugned distraint notice against M/s.Varuni Chemicals (P) Limited, but they cannot execute the impugned distraint notice against M/s.Pandian Fragrances (P) Limited, the petitioner herein.

8. With the aforesaid direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Insp.cell)

//True copy//

Sub Assistant Registrar

vsi2
To

1. The Tahsildhar,
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Athipattu Village,
Ambattur Chennai
Thiruvallur District
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600 058.

+1cc to Mr.C.S.K.Sathish, Advocate SR.No.2694

+1cc to Government Pleader SR.No.3196

W.P. No.14020 of 2012

RR(CO)
GMY(18/02/2020)