



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2020

CORAM :

THE HONOURABLE MR. JUSTICE C.V. KARTHIKEYAN

W.P(MD) No.4711 of 2020

and WMP(MD) Nos. 4086 & 4087 of 2020

M. Shenbaga valli

...Petitioner

Vs.

1. The District Collector,
Tenkasi District, Tenkasi.
2. The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Tenkasi Tenkasi District.
3. The Revenue Tashildar,
Tenkasi, Tenkasi District.
4. The Executive Officer,
Coutralam Special Grade Town Panchyat,
Coutralam, Tenkasi District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue **Writ of Certiorarified Mandamus**, to call for the records pertaining to the impugned order in Na.Ka. No.513/2017/A1 dated 30.01.2019 on the file of the fourth respondent and the consequential impugned order in Form-4 dated 11.02.2020 on the file of the third respondent and quash the same as illegal and consequently forbearing the respondents from attaching the petitioner's residential home in S. No. 451/1 Plot Nos.82, 83 in Coutralam Village, Tenkasi District within time frame stipulated by this Court.

For Petitioner : Mr. T. Lajapathi Roy

For R-1 to R-3 : Mrs.J. Padmavathi Devi,
Special Government Pleader

For R-4 : Mr. V. Anand
Government Advocate

ORDER

The writ petition has been filed to quash the impugned order, dated 30.01.2019 in Na.Ka. No.513/2017/A1 on the file of the fourth respondent and consequential impugned order in Form-4, dated 11.02.2020 on the file of the third respondent as illegal and consequently forbearing the respondents from attaching the petitioner's residential home in S. No. 451/1 Plot Nos.82, 83 in Coutralam Village, Tenkasi District within time frame stipulated by this Court.



2. By Order of this Court, dated 12.04.2016 in W.P(MD) No.19346 of 2015, the learned Single Judge had observed and directed as follows:

"When the matter is taken up for hearing, the learned Government Advocate Submitted that first of all, the license period of the petitioner comes to end 31.03.2016 and therefore, admittedly the time is over and he cannot continue further. Secondly, the petitioner has got huge arrears to the tune of Rs.8,00,000/-and odd to be paid to the respondents. Thirdly, the respondents have proposed to got for fresh auction and right now, the fourth respondent is collecting the fees. Fourthly, the respondents have issued a show cause notice to the petitioner on 22.03.2016 for attachment of properties and for collection of arrears from the petitioner. Therefore, he prayed for the dismissal of the petition.

2. The learned counsel for the petitioner has also admitted that he has been issued with a notice dated 22.03.2016.

3. Time and again, in the matter of contract, I have categorically held that a person who has got arrears of amount, cannot expect any discretion from this Court. Admittedly, the case of the petitioner is no exception to. Further, the contract period also has come to an end.

4. In such view of the matter, this Writ Petition is liable to be dismissed. Accordingly, it is dismissed. No Costs. Consequently, the connected miscellaneous petition in MP.(MD) No.1 of 2015 is dismissed and M.P.(MD) No.2 of 2015 preferred by the Government is allowed. While doing so, it is directed that as the arrears amount works out to Rs.8,60,294/-the fourth respondent is directed to take earnest steps to collect the amount from the petitioner. "

3. That writ petition has also been filed by the petitioner S.Murugan, who had settled the property in favour of his wife the present peittioner. Settlement would not absolve the wife or the property from being released from any order of attachment or proposed attachment. The said settlement deed itself appears to be created only for the purpose of avoiding any order being passed as against the property. I am convinced that the instant writ petition has no merits.

4. Accordingly, the instant writ petition stands dismissed. The petitioner may work out her remedy by filing necessary writ appeal as against the order in W.P.(MD) No.19346 of 2015, a petition of which has been extracted above. The learned counsel appearing for



the petitioner states that a writ appeal has already been filed against the order of the learned Single Judge. Consequently, connected miscellaneous petitions are closed. However, there shall be no order as to costs.

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Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The District Collector,
Tenkasi District, Tenkasi.
2. The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Tenkasi Tenkasi District.
3. The Revenue Tashildar,
Tenkasi, Tenkasi District.
4. The Executive Officer,
Coutralam Special Grade Town Panchyat,
Coutralam, Tenkasi District.

+1 CC to M/s.SPL.GP (SR-10345[F] dated 06/03/2020)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-10411[F] dated
06/03/2020)

W.P(MD) No. 4711 of 2020
05.03.2020

KB(23/03/2020) 3P 7C