IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.12492 to 12494 of 2016
and W.M.P.Nos.10808 to 10810 of 2016
& 4420 to 4422 of 2018

R.Ganesan ...Petitioner
(in W.P.No.12492/2016)

A.Jaikumar ...Petitioner
(in W.P.No.12493/2016)

R.Nandagopal ...Petitioner
(in W.P.No.12494/2016)

Vs.

1. The District Revenue Officer,
Thiruporur,
Kanchipuram District.

2. The Joint Director General of Foreign Trade,
O/o.Zonal Joint Director General of Foreign Trade,
4th Floor, Shastri Bhavan (Annexe),
Haddows Road, Chennai – 6.

3. The Tahsildar,
Thiruporur, Chengalpattu District.

... Respondents
(in all W.Ps)

[R2 suo motu impleaded vide order dated 06.10.2021,
in W.P.No.12492/2016]
[R3 suo motu impleaded today (17.12.2021)
in W.P.No.12492/2016]

Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the respondent herein culminating in the communication Na.Ka.No.546/2014/A4 dated 05.01.2015, 05.01.2015 and 06.02.2015 respectively and quash the said communications dated 05.01.2015,05.01.2015 and 06.02.2015 respectively .

For Petitioner : Mr.S.Murugappan
(in all W.Ps)

For R1 & R3 : Mr.T.Venkatesh Kumar
Special Government Pleader
(in all W.Ps)

For R2 : Mr.J.Madanagopal Rao
Senior Central Government Panel Counsel
(in all W.Ps)

COMMON ORDER

The order impugned dated 05.01.2015 passed by the Tasildhar, Thiruporur is under challenge in the present writ petitions.

2.In view of the fact that the writ petitioner has erroneously impleaded the District Revenue Officer instead of Tasildhar, this Court is inclined to suo motu implead the Tasildhar, Thiruporur Chengalpattu District as 3rd respondent. The learned Special Government Pleader takes notice on behalf of the impleaded respondent/Tasildhar, Thiruporur.

3.The order impugned was passed by invoking the provisions of the Revenue Recovery Act. It is brought to the notice of this Court that the Revenue Recovery proceedings were initiated based on the orders passed and communicated to the Tasildhar by the office of the Director General of Foreign Trade. However, there is no reference in the impugned order with reference to the communication or otherwise from the office of the Director General of Foreign Trade. In order to find out the facts, this Court suo motu impleaded the Joint Director General of Foreign Trade, Office of the Zonal Joint Director General of Foreign Trade, Shashtri Bhavan, Chennai.

4.The learned Senior Central Government Panel Counsel Mr.Madanagopal Rao appearing on behalf of the 2nd respondent on verification informed this Court that the petitioners have not furnished any reference for the purpose of identifying the files and in the absence of any reference from the petitioner side or in the impugned order passed, the office of the 2nd respondent is unable to trace out the files.

5.The petitioners were given sufficient opportunities and the petitioners also have not produced any such reference for the purpose of gathering information regarding the original proceedings initiated against the petitioners, resulted in initiation of further actions under the Revenue Recovery Act by the competent authorities.

6.The learned counsel for the petitioner states that the petitioners are not aware of any such proceedings and they have received the impugned order and under those circumstances, they do not know the source through which such initiations are made by the Tasildhar, Thiruporur.

7.However, the District Revenue Officer filed a counter affidavit. The counter affidavit reveals that M/s.Knit Fab International Private Limited located in S.No.233/1 of Padur Village, Thiruporur Taluk has to pay a sum of Rs.9,49,827/- (Rupees Nine Lakhs Fourty Nine Thousand Eight Hundred and Twenty Seven Only) being the demand due to the Government and ordered to be collected in the form of land revenue by the Collector, Kancheepuram under Section 3 of the Revenue Recovery Act. The defaulter company was having 0.35.5 ares of land in S.No.233/1A of Padur Village, Thiruporur Taluk registered under Patta No.913. The defaulter company had sold the land.

8.It is further stated that M/s.Knit Fab International Private Limited was functioning at No.233/1, Bharathiyar Street, Old Mahabalipuram Road, Padur. Actions were initiated pursuant to the orders passed by the District Collector. This being the counter affidavit filed by the 1st respondent/District Revenue Officer. If at all the petitioners are not aware of the initial proceedings by the competent authority, which has culminated into an action under the Revenue Recovery Act, it is for the petitioners to approach the competent authorities or their vendors for the purpose of tracing out the details regarding the original order passed regarding the default committed. Contrarily, this Court cannot conduct a rowing enquiry in respect of such adjudication already done by the competent authority which resulted in initiation of action under the Revenue Recovery Act.

9.As far as the respondents 1 and 3 are concerned, they are the revenue authorities of the State and pursuant to the directions issued by the District Collector, they have initiated all actions under the Revenue Recovery Act for the purpose of recovery of the amount due to the Government. The revenue authorities of the State are no way connected with the original adjudication done by the competent authorities of the Foreign Trade Department or otherwise. Once the arrears of revenue due to the Government is communicated to the competent authorities of the State revenue, the revenue authorities of the State are bound to initiate action under the Revenue Recovery Act to recover the amount and settle the same to the authority concerned.

10.This being the scope of the provisions of the Revenue Recovery act, it is for the petitioners to approach the competent authorities of the State including District Collector or Tasildhar, Thiruporur to get the proceedings regarding the original adjudication and initiate all further steps, if necessary. Contrarily, they cannot challenge the proceedings under the Revenue Recovery Act which is only consequential.

11.The learned counsel for the petitioners states that the petitioner are innocent purchasers. In respect of the issues, even an innocent purchaser is bound to face the proceedings in accordance with law. Since, because the petitioners were not aware of the original proceedings that will not bar the competent authorities of the Revenue Department to proceed with the Revenue Recovery Act, whether the petitioners are bonafide innocent purchasers or not is no way connected with the Revenue Recovery proceedings in accordance with law. Even if the petitioners are innocent purchasers, their remedy is only against their vendor before the appropriate Court of law and not against the Revenue Recovery proceedings.

12.Thus, the petitioners are at liberty to sue the vendors, who have suppressed the fact or otherwise or claim compensation in the manner known to law. Contrarily, the recovery of Government dues cannot be interfered with as the actions under the Revenue Recovery Act was initiated based on the original proceedings by the District Collector. Under these circumstances, it is for the petitioners to work out the remedies in the manner known to law in respect of the purchase of the property.

13.With these observations, the writ petitions stand dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Cse/Jeni

To

1. The District Revenue Officer,
   Thiruporur,
   Kanchipuram District.

2. The Joint Director General of Foreign Trade,
   O/o.Zonal Joint Director General of Foreign Trade,
   4th Floor, Shastri Bhavan (Annexe),
   Haddows Road, Chennai – 6.

3. The Tahsildar,
   Thiruporur, Chengalpattu District.

+1cc to Mr.S.Murugappan, Advocate, S.R.No.67792
+1cc to the Government Pleader, S.R.No.68720

W.P.Nos.12492 to 12494 of 2016

EV(CO)
CT 25/02/2021