



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2021

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THE HON'BLE Mr.JUSTICE M.SUNDAR

W.P.No.20194 of 2008

and

M.P.No.1 of 2008

1. B.Purushothaman (Deceased)
S/o.S.Balakrishnan

2. P.Yasodha
3. P.Deepa
4. P.Balaji
5. P.Sudamani

... Petitioners

petitioners 2 to 5 are substituted
as legal heirs of first petitioner
vide order dated 31.07.2018 in
M.P.No.1 of 2011 in W.P.No.20194/2008

-Vs.-

1. Tamil Nadu Civil Supplies Corporation Ltd
Represented by its Managing Director
42 Thambusamy Road
Kilpauk, Chennai-600 010.

2. District Collector
Rajaji Salai
Chennai-600 001.

3. Tahsildar
46, Chambers Road
Raja Annamalaipuram
Chennai-600 028.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for records of the 1st respondent bearing Ref.A14/14132/05 dated 27.03.2006 and the consequent letter of the 2nd respondent viz., G2/23154/98 dated 23.09.2004 and the consequent proceedings of the 3rd respondent under C2/30256/04 dated 16.06.2008 and quash the same.

For Petitioners : Mr.V.Prakash
Senior counsel
for Ms.Ramapriya



For Respondents : Mr.C.Munusamy, for R1
Mr.C.Selvaraj
Government Advocate,
for R2 & R3

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O R D E R

Mr.V.Prakash, learned Senior counsel instructed by Ms.Ramapriya, counsel on record for writ petitioners, Mr.C.Munusamy, learned counsel for first respondent - 'Tamil Nadu Civil Supplies Corporation Limited' [hereinafter 'Civil Supplies Corporation' for the sake of convenience] and Mr.C.Selvaraj, learned State counsel on behalf of respondents 2 and 3 are before this Virtual Court.

2. This Virtual Court, with the consent of all the aforementioned counsel, took up the main writ petition and heard out the same.

3. Learned Senior counsel for writ petitioners submitted that the matter turns on a very narrow compass and that he would project one point notwithstanding very many averments and grounds raised in the supporting affidavit. That one point projected by the learned Senior counsel is, the impugned notice being notice dated 16.06.2008 bearing reference No.C2/30256/2004 is a notice under 'The Revenue Recovery Act, 1890 (Central Act I of 1890)' [hereinafter 'said Act' for the sake of convenience and clarity] and that the sum mentioned therein has not been quantified by holding an enquiry and giving opportunity to writ petitioners.

4. Responding to the aforementioned lone point, learned counsel for first respondent submitted that P.Purushothaman, S/o.S.Balakrishnan was served with a notice, but he did not turn up for enquiry for quantification and therefore, the quantification was proceeded with the available records. To be noted, this P.Purushothaman was the lone writ petitioner when the captioned writ petition was filed.

5. However, the trajectory the captioned writ petition has taken before this Court brings to light that the aforementioned lone writ petitioner died pending writ petition and his legal heirs have since been brought on record as petitioners 2 to 5. As the legal heirs are now before this Court and any proceedings under said Act would necessarily impact the estate which they may have inherited from the late erstwhile lone writ petitioner, it is only appropriate that the writ petitioners 2 to 5, who are legal heirs of erstwhile lone writ petitioner, should be given an opportunity.

5. Therefore, on aforementioned simple point, the following order is passed:



16.06.2008 bearing reference No.C2/30256/2004 is set aside.

(b) The impugned order is set aside solely for the purpose of facilitating writ petitioners 2 to 5 (legal heirs of late first petitioner) to be given an opportunity for quantification under the said Act.

(c) As a sequitur to the previous point, it is made clear that no opinion is expressed (in this order) on merits of the matter qua impugned order one way or the other.

(d) As a further sequitur, all questions on merits between parties are left open.

(e) First respondent shall complete the exercise of giving opportunity to writ petitioners 2 to 5 regarding enquiry qua quantification under the Revenue Recovery Act, 1890 as expeditiously as possible and in any event on or before 30.11.2021, after putting writ petitioners 2 to 5 on notice.

(f) Learned counsel on record for writ petitioners 2 to 5, on instructions, submits that writ petitioners 2 to 5 would cooperate with the enquiry and not seek adjournment or rescheduling of the matter unnecessarily so that the time line is met.

(g) Though obvious, enquiry will be conducted by strictly maintaining Covid-19 protocol.

Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

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To

1.The Managing Director
Tamil Nadu Civil Supplies Corporation Ltd
42 Thambusamy Road
Kilpauk, Chennai-600 010.



2. District Collector
Rajaji Salai
Chennai-600 001.

3. Tahsildar
46, Chambers Road
Raja Annamalaipuram
Chennai-600 028.

+lcc to M/S., Advocate, SR.No.40453

+lcc to Government Pleader, SR.No.39726

W.P.No.20194 of 2008

JP-II (CO)
CT (09/09/2021)