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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.16325 OF 2021

AND

W.M.P.NOS.17290 AND 17293 OF 2021

K.Varadharajan

... Petitioner

-Vs-

1. The District Collector,
Perambalur District.
2. The Tahsildar,
Perambalur Taluk and District.
3. The Branch Manager,
M/s.The New India Assurance Co. Ltd.,
Perambalur District.

... Respondents

PRAYER:-

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records of the second respondent in his proceedings dated 22.06.2021 vide proceedings No.Na.Ka.A5.2296/2019 and consequential order of proposed attachment dated 26.07.2021 vide proceedings Na.Ka.A5.2296/2019 and quash the same.

For Petitioner : Mr.G.Ilamurugu

For Respondents : Mr.U.Baranidharan,
Government Advocate
For RR1&2

O R D E R

The subject matter of challenge in the present writ petition is the impugned proceedings of the second respondent dated 22.06.2021 and the consequential order dated 26.07.2021, wherein there is a proposal for the attachment of the vehicle belonging to the petitioner.



2. Heard Mr.G.Ilamurugu, learned counsel for the petitioner and Mr.U.Baranidharan learned Government Advocate appearing for the respondents 1 and 2.

3. It is seen from records that the vehicle belonging to the petitioner was involved in an accident. The claim petition was made in M.C.O.P.No.196 of 2014 before the Motor Accidents Claims Tribunal, Perambalur. The petitioner as well as the insurance company were made as respondents in the said proceedings. The petitioner was set exparte and the insurance company was directed to pay the compensation and recover the same from the petitioner.

4. Accordingly, the insurance company had complied with the Award and paid the compensation and initiated proceedings for execution against the petitioner to recover the compensation amount from the petitioner. Accordingly, an order has been passed in E.A.No.610 of 2018 in M.C.O.P.No.196 of 2014, to recover the amount from the petitioner under the Revenue Recovery Act. Pursuant to the said order, proceedings were initiated by the second respondent proposing to attach the vehicle belonging to the petitioner. Aggrieved by the same, the present writ petition has been filed before this Court.

5. In the considered opinion of this Court, there is absolutely no ground to interfere with the proceedings initiated by the second respondent, since the second respondent has merely complied with the order passed by the competent Court. If at all the petitioner is aggrieved, he can only work out his remedy before the concerned Court and the writ petition cannot grant any remedy to the petitioner. Except giving this liberty, no further orders can be passed in this writ petition.

6. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

KST

To

1. The District Collector,
Perambalur District.



2. The Tahsildar,
Perambalur Taluk and District.

+1cc to Mr.G.Ilamurugu, Advocate, S.R.No.38328

+1cc to the Government Pleader, S.R.No.38862

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PCH(CO)
PBS/25/08/2021