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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.29600 of 2014

and

M.P.Nos.1 to 3 of 2014

Mr.Karthik Sabanayagam

... Petitioner

Vs

1. The Union of India,
Represented by its Secretary Department of Revenue,
Government of Puducherry,
Puducherry.
2. The Tahsildar,
Villanur Taluk,
Villanur, Puducherry.
3. The Superintending Engineer,
Department of Electricity,
Government of Puducherry,
Puducherry.
4. The Junior Engineer,
(Operation & Maintenance),
Department of Electricity,
Government of Puducherry,
Thiruvandar Koil,
Villianoor Taluk,
Puducherry.
5. M/s.Sri.Bhuvaneswari Chemicals
Pvt.Ltd., Having Registered Office at
R.S.94/4, Thirubhuvanai Village,
Puducherry- 107.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for records and quash the impugned demand notice dated 26.05.2014 issued by the 2nd respondent.



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For Petitioner : Mr.S.Parthasarathy,
Senior Counsel,
For Mr.Suhrith Parthasarathy.

For Respondents : M/s.N.Mala,
Government Pleader (Puducherry),
For R1 to R4.
R5 - Dismissed vide court order
dated 08.09.2016.

O R D E R

The demand notice issued prior to attachment of land is under challenge in the present writ petition.

2. The petitioner purchased the property as vacant land covered with compound wall. The petitioner claims that he is the bona fide purchaser having paid valid consideration and he is in possession and enjoyment of this subject property.

3. The vendor of the property also clarified that he paid all the statutory charges. However, the petitioner received the demand notice stating that the petitioner is liable to pay Electricity Consumption Charges. However, the learned senior counsel appearing on behalf of the petitioner states that the petitioner being the bona fide purchaser is not liable to pay any such Electricity Consumption Charges.

4. The learned counsel appearing for the respondents 1 to 4 relied on the judgment of the Hon'ble Supreme Court of India passed in C.A.No.1815 of 2020 dated 01.06.2020, wherein it was held that the purchasers of the properties are liable to settle the statutory dues on behalf of the third vendors.

5. However, this Court is of the opinion that the disputed issues require adjudication, so as to utilize the rights of the parties with reference to the facts and circumstances. No doubt, the statutory dues are to be paid to the competent authorities. However, in the present case, who is liable to pay and to what extent is to be determined, by conducting an adjudication.

6. The learned counsel for the respondents 1 to 4 states that the quantum of charges to be paid has already been determined by the competent authorities in consonance with the provisional statute and communicated through the impugned demand notice i.e., Rs.51,11,244/-.



7. Under these circumstances, the petitioner is entitled for providing an opportunity to submit his objections and such objections are to be considered as the petitioner claims to the bona fide purchaser of the subject property.

8. Accordingly, the petitioner is at liberty to submit all his objections/explanations along with the relevant documents if any, within a period of two weeks. On receipt of the explanations if any from the petitioner, the second respondent is directed to consider the same by conducting an enquiry and pass final orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of explanation if any, from the petitioner and accordingly, take all further actions in accordance with law.

9. With these directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
The Department of Revenue,
Union of India,
Government of Puducherry,
Puducherry.
2. The Tahsildar,
Villanur Taluk,
Villanur, Puducherry.
3. The Superintending Engineer,
Department of Electricity,
Government of Puducherry,
Puducherry.



4. The Junior Engineer,
(Operation & Maintenance),
Department of Electricity,
Government of Puducherry,
Thiruvandar Koil,
Villianoor Taluk,
Puducherry.

+1cc to Mr.Suhrith Parthasarathy, Advocate, S.R.No.66739
+1cc to the Government Pleader, Advocate, S.R.No.66727

W.P.No.29600 of 2014

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NSK 11/01/2022