



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

REV.APLW(MD) No. 40 of 2019

and

W.M.P. (MD) No. 7867 of 2019

M.Tamilarasan

:Petitioner/2nd Respondent

Vs.

1.The Executive Officer,
Ponnampatti Town Panchayat,
Thuvarankurichi Post,
Thiruchirapalli District-621 314.

:Respondent/Petitioner

2.The Tahsildar,
Taluk Office,
Marungapuri Taluk,
Tiruchirapalli District.

:Respondent/1st Respondent

3.The District Collector,
Tiruchirapalli District.

:Respondent/3rd Respondent

PRAYER: Petition filed under Order 47, R.1 02 R/W and Section 114 of C.P.C., praying to review the order passed by this Court dated 28.02.2019 in W.P. (MD) No. 25027 of 2018.

Prayer in WP(MD). 25027/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents herein to pass appropriate orders to release the TATA 407 of the petitioner bearing Re.No. TN-46-F-4821 which as seized by the 3rd respondent.

For Petitioner

:Mr.S.K.Mani

For R1

:Mr.M.Saravanakumar

For R2 & R3

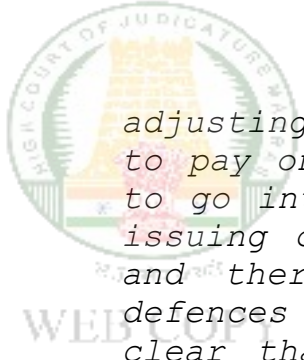
:Mr.M.Rajarajan

Government Advocate

ORDER

W.P.(MD) No. 25027 of 2018 was filed by the Ponnampatti Town Panchayat for directing the Revenue Authorities to take action under the Revenue Recovery Act to recover the dues said to be payable to it by the Contractor Thiru.M.Tamilarasan. This Court by order dated 28.02.2019 issued the following directions:-

"4.The first respondent has to process the papers and forward the same to the third respondent who shall have to act in accordance with law. The second respondent who was issued with notice has filed counter affidavit partially admitting his liability. He would further state that after



adjusting the amount of Rs.2,00,000/- payable to him, he owes to pay only a sum of Rs.1,36,000/-. This Court does not wish to go into the said controversy. The third respondent before issuing certificate, will put the second respondent on notice and thereafter take action in accordance with law. The defences of the second respondent are left open. It is made clear that the entire exercise should be completed within a period of sixteen weeks from the date of receipt of a copy of this order."

Seeking review, this application has been taken out.

2. Heard the learned counsel on either side.

3. I am of the view that the order passed by me in the main writ petition adequately protects the interests of the review applicant. However, Thiru.S.K.Mani, the learned counsel would submit that there was a delay of three months in handing over the toilet in the first instance and that is the corner stone of the dispute between the parties. He only wanted this Court to clarify that it is open to him to raise this dispute and that the authority should consider the same. I make it clear that all the defences of the Contractor are left open and includes this dispute also.

4. With this clarification and observation, this review petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Tahsildar, Taluk Office,
Marungapuri Taluk, Tiruchirapalli District.
2. The District Collector,
Tiruchirapalli District.
3. The Executive Officer, Ponnampatti Town Panchayat,
Thuvarankurichi Post, Tiruchirapalli District-621 314

+1 CC to Mr.M.SARAVANA KUMAR, Advocate SR-77100.

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and

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