



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.14155 of 2021

WEB COPY

S.Thirumalaivelu

... Petitioner

Vs.

1. The District Collector,
Madurai District.

2. The Tahsildar,
Madurai West, Madurai District.

3. N.Nattarayan ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to the expedite and complete the revenue recovery proceedings against the third respondent vide Na.ka.No.133518/2005/சே4 dated 04.11.2019 on the file of the first respondent, within a stipulated time.

For Petitioner : Mr.N.karthick Kannan

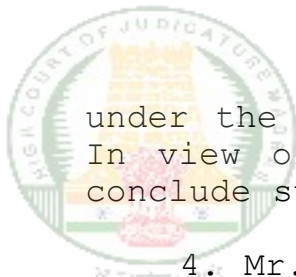
For Respondents : Mr.P.Subbaraj,
Counsel for State for R1 and R2

O R D E R

The petitioner seeks the expeditious disposal of the revenue recovery proceedings against the third respondent vide Na.ka.No.133518/2005/சே4 dated 04.11.2019, on the file of the first respondent.

2. The petitioner states that a cheque issued to him by the third respondent was dishonoured, and that he filed a case under Section 138 of Negotiable Instruments Act, 1881 in such regard. The case ended in his favour and the accused was awarded a sentence of one year imprisonment and was directed to pay compensation of Rupees Ten Lakhs. The appeal against such judgment was dismissed by order dated 06.01.2021.

3. On account of the failure of the third respondent to pay the compensation amount, the petitioner filed a criminal miscellaneous petition seeking issuance of distress warrant against the third respondent. Such warrant was issued by order dated 29.04.2019. Pursuant thereto, by proceedings dated 04.11.2019, the first respondent directed the second respondent to take further action



under the Revenue Recovery Act, 1864 against the third respondent. In view of the failure by the second respondent to initiate and conclude such proceedings, the present writ petition is filed.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 and 2.

5. In view of the nature of order proposed to be passed, notice to the third respondent is dispensed with.

6. Given the fact that the first respondent issued directions to the second respondent on 04.11.2019, it is just and necessary that the second respondent be directed to dispose of such proceedings expeditiously.

7. Consequently, the second respondent herein is directed to dispose of the pending revenue recovery proceedings against the third respondent in Na.ka.No.133518/2005/654 dated 04.11.2019 in accordance with law within a period of three months from the date of receipt of a copy of this order, by providing a reasonable opportunity to the parties concerned.

8. W.P(MD).No.14155 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To:

1. The District Collector,
Madurai District.
2. The Tahsildar,
Madurai West, Madurai District.

+1 CC to M/s.GP (SR-26378[F] dated 16/08/2021)

W.P. (MD)No.14155 of 2021

12.08.2021

MGJ (24/08/2021) 2P 4C