



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2021

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) No. 12647 of 2018

Jeya

.. Petitioner

Vs.

1. The Tahsildar,
Manur Taluk,
Tirunelveli District.

2. The Revenue Inspector,
Alagiapandiapuram,
Manur Taluk,
Tirunelveli District.

3. V. Mariyal.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, forbearing the respondents 1 and 2 from taking any steps on the property bearing D.No.104-A, Amman Kovil Street, Alagiapandiapuram, owned by petitioner's parents towards the recovery of award amount made in W.C.No.57/2007 on the file of the Deputy Commissioner o Labour, Tirunelveli District and pass orders.

For Petitioner
For Respondent

: M/s. H. Arumugam
: Mr.K.S. Selvaganesan
Additional Government Pleader
for R1 and R2

ORDER

The petitioner has sought a mandamus forbearing respondents 1 and 2, being the Tahsildar and Revenue Inspector of Manur Taluk, Tirunelveli District from taking any steps in regard to the property bearing Door No.104-A, Amman Koil Street, Alagiapandiapuram (property in question).

2. According to the petitioner, property in question is owned by the petitioner's parents. The petitioner further avers that she was married to one Manoharan, who was one of the parties in W.C.No.51 of 2007 (erroneously mentioned as W.C.No. 57 of 2007 in the affidavit filed in support of the writ petition).



3. The aforesaid petition was filed by the third respondent claiming compensation for her husband's death on account of electrocution, while employed as his (Manoharan's) contract labour. The petition came to be ordered by the Labour Court, awarding compensation and raising a demand upon Manoharan, in this regard. The demand raised is as per notice dated 29.11.2017, issued by R1, and quantified at a figure of Rs.1,59,581/-.

4. It is the petitioner's averment that steps are being initiated by the official respondents to attach her parent's property, in satisfaction of the demand raised under notice dated 29.11.2017. However, the averment, as well as the prayer in the writ petition are wholly misconceived.

5. To begin with, the title to the property in question is a question of fact and this court, sitting in writ jurisdiction is not in a position to appreciate or consider this issue. Then again, it is the petitioner's assumption that recovery action is being taken to attach the property in question, as not a scrap of evidence has been placed on record to substantiate this allegation.

6. At paragraphs 3 and 4, the petitioner submits that notice dated 29.11.2017 has been served upon her. If this were a fact, the appropriate remedy for the petitioner is to challenge the aforesaid notice and not seek a mandamus. On all fronts, the mandamus sought for is wholly without any legal sanction and no cause of action whatsoever has been made out by the petitioner to justify the wide prayer sought for.

7. Though inclined to impose a cost for abuse of process of this court, I desist, bearing in mind the strained personal circumstances putforth by the petitioner. This writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mnr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned



To

1. The Tahsildar,
Manur Taluk,
Tirunelveli District.

2. The Revenue Inspector,
Alagiapandiapuram,
Manur Taluk,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-34466[F] dated 15/11/2021)

+1 CC to M/s.H. ARUMUGAM, Advocate (SR-34526[F] dated 15/11/2021)

W.P. (MD) No. 12647 of 2018
12.11.2021

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