



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A(MD)Nos.111 and 112 of 2011

and

C.M.P(MD)Nos.11856 and 11857 of 2018

and

C.M.P(MD)Nos.7711 & 7712 of 2021

W.A(MD)No.111 of 2011:

Tiruchirappalli Sarvodaya Sangh,
Represented by its Secretary,
Door No.9, J.P.Nagar,
Dindigul Road, Trichy, now at
No.108, T.P.K.Road,
Madurai - 625 001.

: 4th respondent/Appellant

.vs.

1.M.Thangavelu

: Petitioner/1st Respondent

2.The District Collector,
Trichy District - 620 001.

3.The District Collector,
Sivagangai District - 630 562.

4.The Tahsildar,
Karaikudi Taluk,
Karaikudi - 630 001.

: Respondents 1 to 3/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order dated 13.11.2009 made in W.P.No.4549 of 2005

Prayer in WP(MD). 4549 of 2005 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records relating to the certificate in Rc.E1/84370/04 dated 24/12/2004, on the file of the first respondent herein and to quash the same

For Appellant

:Mr.Arun Jayatram for G.Ehirajulu

For R-2 to R-4

:Mr.D.Gandhiraj,

Special Government Pleader

:Dismissed



W.A(MD)No.112 of 2011:

Tiruchirappalli Sarvodaya Sangh,
Represented by its Secretary,
J.John Peter,
S/O.B.Jesu,
Door No.108, TPK Road,
Madurai - 625 001.

: Petitioner/Appellant

.vs.

1.The District Collector,
Trichy District - 620 001.

2.The District Collector,
Sivagangai District - 630 562.

3.The Tahsildar,
Karaikudi Taluk,
Karaikudi - 630 001.

4.M.Thangavelu

: Respondents/Respondents

(Cause title accepted vide order dated
20.12.2010 made in M.P(MD)No.1/2010 in
W.A(MD)SR.No.5327 of 2010)

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent
praying this Court to set aside the order dated 13.11.2009 made in
W.P(MD)No.7173 of 2007.

Prayer in WP(MD). 7173 of 2007 :

Writ Petition is filed under Article 226 of the Constitution of
India, praying this Court To issue a Writ of Certiorarified
Mandamus, calling for the records relating to the order made in
Na.Ka/B3/28478/05 dated 11/01/2007 passed by the 2nd respondnet and
quash the same and consequently direct the respondents 2 and 3 to
continue the distraint proceedings ordered in certificate in
Rc.E1/84370/04 dated 24/12/2004 issued by the 1st respondnet to
recover the dues from the 4th respondent under the Revenue Recovery
Act by auctioning the property comprised in S.F.No. 483/33, sub
Division, S.F.No. 483/68 in patta no. 1637, situated at Door. No.
6/2-40 LF road, Kanadukathan village, ward no. 6, karakudi taluk,
Sivagangai district

For Appellant

:Mr.Arun Jayatram for G.Ethirajulu

For R-1 to R-3

:Mr.D.Gandhiraj,
Special Government Pleader

(R4-Dismissed)



COMMON JUDGMENT

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[Judgment of the Court was delivered by **R. SUBRAMANIAN, J.**]

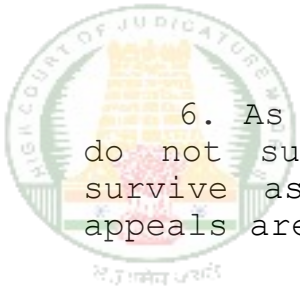
Challenge in the main writ appeal in W.A(MD)No.111 of 2011 is to the order of the learned single Judge allowing the writ petition in W.P.No.4549 of 2009 filed by the first respondent herein seeking to quash the orders issued by the District Collector, Trichirappalli District, under the Revenue Recovery Act, for realising the moneys which were allegedly misappropriated by him from the appellant Sangam.

2. While the first respondent filed the above W.P.No.4549 of 2009, the appellant Sangam filed W.P(MD)No.7173 of 2007 seeking to call for the records relating to the order of the first respondent namely District Collector, Trichirappalli, dated 11.01.2007 and to direct respondent Nos.2 and 3 to continue the distraint proceedings against the first respondent. By order dated 13.11.2009, this Court had while allowing W.P.No.4549 of 2005 had dismissed W.P(MD)No.7173 of 2007. Hence, these two writ appeals by the Sarvodaya Sangam.

3. These writ appeals were dismissed as against the first respondent in W.A(MD)No.111 of 2011 and the fourth respondent in W.A (MD)No.112 of 2011 on 18.08.2015 for non-payment of batta. The appellant had filed applications in C.M.P(MD)No.11856 and 11857 of 2018 seeking condonation of delay of 1091 days in filing the applications for restoration of the writ appeals against the first and fourth respondent respectively.

4. Heard Mr.Arun Jayatram, learned counsel appearing for the applicant in those two applications.

5. In the affidavits filed in support of these applications, no reason has been adduced for non-payment of batta in time or for seeking restoration. Only reason adduced is that no prejudice would be caused if the applications are allowed. By no stretch of imagination, this can be considered as a valid reason for condonation of delay of 1091 days which in our opinion is extraordinary and undue. Hence, we do not find any reason to entertain C.M.P(MD)Nos.11856 and 11857 of 2018. They are accordingly dismissed. In view of dismissal of C.M.P(MD)No.11856 and 11857 of 2018, the amendment applications in C.M.P(MD)Nos.7711 and 7712 of 2022 are dismissed as unnecessary.



6. As far as writ appeals are concerned, now that writ appeals do not survive as against one of the respondents, they cannot survive as against other respondents also. Hence, the writ appeals are also dismissed. No Costs.

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Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pm

To

- 1.The District Collector,
Trichy District - 620 001.
- 2.The District Collector,
Sivagangai District - 630 562.
- 3.The Tahsildar,
Karaikudi Taluk,
Karaikudi - 630 001.

+1 CC to M/s.SPL GP (SR-5307[F] dated 10/02/2022)

W.A(MD)Nos.111 and 112 of 2011

09.02.2022

MGJ(22.02.2022) 4P 5C